

Annual Review
AusAID's Direct Support to Komnas Perempuan

FINAL REPORT

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Acronyms and Abbreviations

APF	Asia Pacific Forum of National Human Rights Institutions
AusAID	Australian Agency for International Development
APWLD	Asia Pacific Women Law and Development
Bappenas	National Development Planning Agency
CATAHU	‘Catatan Tahunan’, Komnas Perempuan’s Annual Report on VAW Case in Indonesia
CEDAW	Convention on the Elimination of Discrimination Against Women
CS	Country Strategy
CSO	Civil Society Organizations
DPR	‘Dewan Perwakilan Rakyat’ – House of Representatives
EVAW	Eliminating Violence Against Women
Gol	Government of Indonesia
HRC	Human Rights Council
IALDF	Indonesia Australia Legal Development Facility
ICC	International Coordinating Committee of National Human Rights Institutions
IDP	Internal Displaced Persons
Inpres	Instruksi Presiden, Presidential Instruction
KDP	Kecamatan Development Program
Komnas HAM	‘Komisi Nasional Hak Asasi Manusia’ – the Indonesian Human Rights Commission
Komnas Perempuan	‘Komnas Nasional Anti Kekerasan Terhadap Perempuan’ – the National Commission on Violence Against Women
KPA	‘Komnas Perlindungan Anak’, National Commission on Child Protection
KTP	Kekerasan Terhadap Perempuan/Violence against Women
LBH	‘Lembaga Bantuan Hukum’, Legal Aid Foundation
M&E	Monitoring and Evaluation
NGO	Non-Government Organisation
NHRI	National Human Rights Institution
OHCHR	United Nations Office of the High Commissioner for Human Rights
Paris Principles	Principles relating to the Status and Functioning of National Human Rights Institutions for the Protection and Promotion of Human Rights
PEKKA	‘Perempuan Kepala Keluarga’ – Female Headed Household
Perpres	Peraturan President, Presidential Regulation
PME	Planning, Monitoring and Evaluation
PMU	Program Management Unit
RANHAM	‘Rencana Aksi Nasional Hak Asasi Manusia’ – National Action Plan on Human Rights
RPJMN	‘Rencana Pembangunan Jangka Menengah Nasional’- National Midterm Development Plan
RPK	‘Ruang Pelayanan Khusus’ - Special Women Desk/Service Room in Police Stations
SETKAB	‘Sekretaris Kabinet’ -Cabinet Secretary
SETNEG	‘Sekretaris Negara- State Secretary
TA	Technical Assistance
ToRs	Terms of Reference
ToT	Training of Trainers
Treaty Bodies	The international expert committees which monitor States’ implementation of their international human rights treaty obligations
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children’s Fund
UPR	Universal Periodic Review
VAW	Violence Against Women
WHRD	Women Human Rights’ Defenders

Program Summary

Program Name	Direct Support to Komnas Perempuan
Commencement date	16, February 2009
Completion date	31 December 2011
Total	AUD 1,400,000
Total other	PME TA (2 phases) – AUD 38,000 (AusAID's direct allocation)
Partner Organisation(s)	Komisi Nasional Anti Kekerasan Terhadap Perempuan (Komnas Perempuan)
Primary Sector	Gender Equality, Women Empowerment, Governance

Executive Summary

Review Background.

Australia has a contract to provide up to AUD 1.4 million over 3 years in direct funding for Komnas Perempuan (KP) to support their proposal on *“Strengthening Indonesia’s National Mechanism to Enhance State Effectiveness in Promoting Women’s Rights and Gender Equality”*. The goal of the support, which providing institutional support to maintain KP leadership role in promoting women’s rights has been highly relevant to the promotion of women’s rights and human rights in Indonesia, particularly within the UN framework. This AusAID’s support is consistent with both the Government of Indonesia’s Medium Development Plans (RPJMN) for 2004-2009 and the 2010-2014 and continues in line with Australian policies, including those set out in the Australia Indonesia Partnership (AIP) Country Strategy 2008-2013 as well as with the KP’s Strategic Planning Document for 2007-2009 and 2010-2014.

Relevance. Through this support, KP has established a stronger basis for implementing its new five year plan and programs, strengthening its accountability, and responding its current opportunities and challenges within its operational setting. These have been responding to some of the key KP’s challenges, particularly on how KP maintains its sustainability as an institution and in terms of the impact of its work.

Effectiveness.

KP, in general, has well implemented the supported activities under the first year of the Program Plan and produced results which largely met the objectives defined in the final program proposal. KP’s stakeholders highly regarded the Program’s key activities with regard to their timeliness, appropriateness, effectiveness and quality. KP has both strengthened and widened its collaborations to over 1,000 of its networks across Indonesia. While having experienced some dynamics, within the past 12 months, KP’s working relationships and partnerships with Government organizations indicated positive progress in their critical works and contributions. The development of a Joint Decree and guidance on Minimum Service Standards for Integrated Services for Survivors of Violence against Women and Children of the State Ministry of Women’s Empowerment and Child Protection and the development of the RPJMN 2010-2014 of BAPPENAS are only few examples of the good collaborations that KP has developed. KP also developed of an Integrative Report of VAW over 40 Years in Indonesia through AusAID’s funding support. Its partnerships with CSOs across Indonesia have not been limited to those that have worked for KP’s networks to develop ‘CATAHU’, annual report for monitoring Violence Against Women, but also with its Islamic based women organizations and coalitions to advocate the revision of legislations that potentially will have Islamic perspectives influences, including those that contained gender biased and discriminatory clauses. KP is also ready to strengthen its partnerships with wider government organizations as well as parliamentarians through its policy dialogues and consultations.

Efficiency.

The AusAID’s supported program has been highly cost-effective. It has delivered significant outputs, promoted dialogue and reporting across sub-commissions within KP as well as helped building KP’s internal organizational structures and management procedures as a national machinery for promoting human rights for women. In terms of AusAID’s management, the program has taken a more detailed level of processes and approvals than required by the contract, leading to increases the workload for the AusAID program manager and for the KP’s PMU staffs. The requested changes do indicate improved methodology, approaches and processes by KP in managing their program and budget. KP has followed up few planned activities (PMU establishment and an activity to clarify KP’s legal status) that experienced some delays. Nevertheless, monitoring on these two activities are still needed, recognizing dynamics that have occurred around them.

Institutional Strengthening.

Support for institutional strengthening, including on PME, has had an impact. However, AusAID should reconsider its expectations of the time frame for these changes to be fully integrated into KP’s work. Some challenges remain, with regard to how KP could institutionalize the skills and competencies that the Program has introduced to KP’s Commissioners and staff.

Attention should also be given to Terms of Reference, expected outputs and reporting requirements of consultants/TAs to be hired for the Program, both that are being funded through KP's funds and those that are being administered directly by AusAID. Consultations between KP and AusAID are needed for TAs that are managed by AusAID so that the work could better reflect the need of KP and for more effective learning. The proposed Monitoring Framework was introduced by the PME TA through AusAID support and is being used by KP. Even so, KP still had to independently carry out further refinements in its performance framework and indicators to better reflect the work of KP and international work on monitoring and evaluation of activities to end violence against women. KP still needs some assistance to develop and deliver more strategic PME capacity development plan and activities, in the form of working sessions and mentoring, to institutionalize the PME system. KP needs to document Tas/consultants' reports, including the works of consultants on assessment of KP's legal status, for KP's future needs.

KP's Key Challenges

KP has received high recognition to its establishment, its works, and its products by stakeholders (GoI's agencies, CSOs, media, universities) at the national and local level and by donors. Recognition to its capacities as a women's National Human Rights Institution as well as its wide networks, its fact based reports and policies, its working principles, and its highly committed commissioners and staff considered as KP's organizational value added. On the other side, KP faces challenges that other women's machinery and NHRIs in other countries are also facing, thus, are not unique to Indonesia, for example: clarity of its role compared to other parts of the women's machinery; stakeholder expectations – policy formulation and advocacy vs service delivery; public awareness of the existence and role of KP; and maintaining. KP recognized its specific challenges, including in its legal status, funding, staffing, massive cases of VAW, institutional capacities, and the dynamics of its stakeholders. KP has to weight between its independence if they become fully reliance on the government budget and its independence. So far, KP does not appear to have an agreed position on its preference for establishment through decree versus Law. With law as its legal status, KP could have access to direct budget from the government, making them more control over their resources. However, with law, KP may not be able to recruit its commissioners according its organizational statute, and instead, parliaments, whom mostly not aware on the critical and importance roles of KP would take part. If nothing change with regard to either its state budget or, in the absence of securing additional external funding, KP expects to go into deficit in June 2010.

The fact that KP has been established 'only' with a Presidential decree instead of through a law, might be considered by some stakeholders as one that has led to some implications with regard to KP's access to Government funding, staffing, and organizational structure, and may need strategic resolution from KP. However, other organizations such as LEMHANAS and KONI have existed for years, with no critical challenges in their establishments and funding. It is therefore, high level political commitment is the critical issue behind KP's legal status. Supports from high level decision makers within the GOI, parliamentarians, and the community, including the women's movement and human rights defenders are needed to be developed through strategic advocacies and policy dialogues. Another challenge may come from the transition period that is needed for the new Commissioner team to adjust their new roles as well as in responding the current KP's setting. KP's stakeholders need to recognize these facts and provide necessary supports for strengthening KP's new commissioners' capacities and confidence.

Overall, without AusAID's support, these developments would be beyond KP's abilities and resources to undertake. AusAID's support through efforts to improve KP's organizational capacities and functions, have built some basis for KP's sustainability. KP needs to maintain and build on these results. KP staff indicated that they would like more clarity, in terms of AusAID expectations on reporting requirements, budget 'reallocations and the need to adjust the Terms of Reference/Proposal. There would be value in sharing experiences on direct funding within AusAID/Indonesia and with other AusAID country programs. AusAID could further engage with KP on policy issues, given the wealth of knowledge and experience of KP Commissioners. AusAID should also seek to increase coordination across AusAID funded programs and with other donors in relation to funding and reporting requirements for KP. Improvement of PME, not only as a capacity development component, but also as an accountability and reporting mechanism but also as learning tools for both KP and AusAID is critical.

Conclusions

This AusAID's support remains relevant. The Project needs to provide attentions in filling its gaps and the Project needs to continue. The decision of AusAID to provide this direct funding support to KP in 2008, can be considered as a critical and proper decision to make a well performed, accountable, and reformed actor of Indonesia's democratization process such as KP to keep in operation and sustain, within the absence of AusAID's on-going conventional modalities. Nevertheless, AusAID needs to recognize the need to balance between realities that direct funding support being quick, responsive, and flexible modalities and the needs for AusAID to assess its management resources and capacities to administer and oversee this Program, which AusAID might be underestimating on its first place. More significant management support, in terms of time and understanding on the KP's situational setting is critical. With AIJP is in the pipeline and confirmed to be the next facility to accommodate AusAID's supports to Indonesia's justice sector reform, including those that are under the KP's mandates, strategic supports to KP needs to be focused and maintained along the KP's priorities outlined in its strategic planning, and provided with sufficient flexibilities for KP to strengthen its institutional capacities across division.

Recommendations. Some recommendations are to cover both for KP and AusAID.

KP needs to maintain and build on results of this AusAID Supported Program "Strengthening Indonesia's National Mechanism to Enhance State Effectiveness in Promoting Women's Rights and Gender Equality" and their sustainability. KP needs to urgently address staff shortages in the PME Unit and PMU in order to ensure these units are operating effectively, and supporting the work of KP and the implementation of the AusAID supported program. To sustain, KP to continue its close relationships with its stakeholders, particularly strengthening its engagement with the Gol, parliamentarians, and individuals of catalytic organizations, including CSOs, private sectors, and donor organizations, to strengthen its communications and coordination with Komnas HAM, BAPPENAS, and Ministry of Finance on its budgeting and funding, to monitor the realization of its principle agreements to improve its remuneration for commissioners and staffs as well as to continue its advocacy to critical agencies such as BAPPENAS, Ministry of Finance, SETNEG and SETKAB as well as the Presidential office regarding KP's mandates and its budgetary requirements.

AusAID should continue its direct support to KP given its significant contribution to promoting women's rights and ending VAW in Indonesia as well as to maintain its champion to engage in informed public and policy debates in priority gender issues at all levels. AusAID should provide KP with flexibility in shaping the PMU, including altering the conditions in the funding agreement if required. Institutional capacity development takes time, and AusAID may need to adjust its expectations on the timeframe for achieving institutional changes within KP. Under PME, AusAID should consider sustaining and providing additional support to KP to enable systematic PME capacity development. This will assist in ensuring that staff are familiar with the new M&E systems and tools and that they are institutionalized within KP. AusAID may consider including a component of funding for emerging issues, which equipped with clear criteria and necessary assessments for spending it, to enable KP to respond to fund necessary capacity development and TAs, including in institutionalizing the AusAID supported activities to develop KP's PME system and framework.

AusAID and KP should consider establishing a semi-annual coordinating meeting that included KP Commissioners and senior AusAID staff, to be held after KP's six-monthly progress report is submitted. Such a meeting would offer a forum for discussing both policies and management aspects of the Program.

Lessons learnt for future cooperation.

Both AusAID and KP commissioners and staffs recognized that this direct funding creates strong links between KP and AusAID. This AusAID's direct funding modality offers flexibility that has contributed to the Program's effectiveness. From the point of view of AusAID, this may provide clear recognition of Australian support. AusAID needs to ensure that it recognises the increased time and staff implications in managing this form of support and the need to be aware of the context in which KP is operating., both of its strengths and challenges.

For funding support effectiveness, development of a direct funding proposal needs systematic consultations within AusAID and between AusAID and KP as well those with other donors. Such consultations should assist a

joint assessment on the resource implications for AusAID and KP in managing the program, the current setting on the national budget system, the need of a comprehensive and long terms strategy on KP's capacity development and how the Program may effectively respond to the capacity development needs. More consultations are also needed with other donors that provided funding supports to KP to enable AusAID coordinating its direct funding support, looking to harmonise reporting requirements, including integrating the report requirement into the organizational reporting system and through joint reviews/evaluations with other donor organizations.

**AusAID's Direct Support to Komnas Perempuan
"Strengthening Indonesia's National Mechanism
to Enhance State Effectiveness in Promoting Women's Rights and Gender Equality"**

Annual Review Report

1. INTRODUCTION

1.1. Review Scope and Methodology

In February 2010, AusAID assigned an independent review team to assess AusAID's support to Komnas Perempuan through the program "Strengthening Indonesia's National Mechanism to Enhance State Effectiveness in Promoting Women's Rights and Gender Equality" after 12 months of implementation. The purpose of the review was to consider the appropriateness of the use of AusAID funding, progress towards achieving KP's relevant strategic priorities, and lessons learned to date¹. The review team was tasked to provide specific recommendations to enhance the program's effectiveness in the current operating context, and the relationship and communications between AusAID and KP within this direct funding modality. The review team has made recommendations directed to AusAID and KP. Specific Review's questions are presented in the Review's TOR in Annex 1 of this report.

The review drew on written reports² and consultations³ with KP and key stakeholders. Consultations were held in February-April 2010. Organizations that were consulted included: KP Commissioners and staff; GoI agencies; women's organizations; CSOs, members of parliament; universities; donor organizations; former consultants of KP; staff of other donor funded programs for KP, as well as individual partners of KP. The review team presented an aide memoire at the end of the in-country consultations on the 25th of February 2010. A list of people consulted is presented in Annex 3 and a copy of the Aide Memoire is presented in Annex 8.

1.2. The Review Team

The review team were Leya Cattleya/team leader (independent consultant) and Melissa Stutsel (Adviser for Ending Violence Against Women, AusAID/Canberra). During the in-country mission, AusAID/Jakarta (Post) provided guidance and organisation of consultations, meetings, and translation of documents. The Team worked in Jakarta from 22 – 25 Feb 2010 and Leya Cattleya carried out additional consultations as well as follow up discussions in mid March and mid April 2010.

1.3. Acknowledgments

The Review team greatly valued the insights and experience of KP's stakeholders in Jakarta, Yogya, and Aceh as well as information that were gathered from a series of consultation processes with KP's commissioners and secretariat as well as with KP's partners and wider stakeholders. AusAID officials provided guidance and feedback on the review activities as well as on the Aide Memoire.

2. KOMNAS PEREMPUAN: CURRENT SITUATIONAL SETTING

Komisi Nasional Penghapusan Kekerasan Terhadap Perempuan, generally known as Komnas Perempuan (KP) or the National Commission on Violence Against Women, was established by a 'Peraturan Presiden' (Presidential Decree) in October 1998 to respond to the public's call for state responsibility for incidents of mass sexual violence during the 1998 May riot. KP has been an essential and recognised element of Indonesia's democratization process. It has played a critical role in ensuring that reforms are responsive to the rights of women and promote gender equality.

According to Presidential Decree No. 65/2005⁴, the objectives of the National Commission on Violence

¹ The contract states that the support is for an initial two year period that includes a 'stop-go review' review after every 12 months. (Article 11.3 of the contract)

² This included reports by KP, the UN and other donors.

³ Consultations were conducted in person, via teleconference, and through email correspondence.

⁴ Presidential Decree No. 65/2005 on Komnas Perempuan's Establishment, a refinement of the original 1998 decree to establish KP.

Against Women are:

- (a) to develop an environment conducive to the elimination of all forms of violence against women and the enforcement of women's human rights in Indonesia; and
- (b) to strengthen efforts aimed to prevent and address violence against women and to protect women's human rights.

To accomplish the objectives, the Presidential Decree determines the tasks of the National Commission on Violence Against Women, among others as: to promote public awareness on VAW; to undertake studies on legislation, regulations and international instruments relevant to the protection of women's human rights; to undertake monitoring of VAW; to provide recommendations to the government, legislative and judicial bodies; and to develop regional and international partnerships to improve effectiveness of efforts to prevent and address all forms of violence against women.⁵ Further background on KP's current situational setting and key achievements is included in Annex 10.

3. AUSAID'S DIRECT SUPPORT TO KOMNAS PEREMPUAN

Australia has a funding arrangement to provide up to AUD1.4 million through a two, possible continuing three year program, in direct funding to KP to support their proposal⁶ on "*Strengthening Indonesia's National Mechanism to Enhance State Effectiveness in Promoting Women's Rights and Gender Equality*".⁷ The goal of this support is to provide institutional support to maintain KP's leadership role in promoting women's rights and eliminating all forms of violence against women. The agreed Program's structure is summarized at Annex 2.

The support has been designed to contribute to meeting KP's defined strategic roles, in line with their Presidential mandate as per Presidential Decree No.65/2005⁸ and has facilitated two out of the five priorities within KP's Strategic Plan:

- To broaden the opportunities for women victims, groups vulnerable to violence, and women human rights defenders in building their capacities to access their rights to truth, justice and recovery; and
- To further strengthen KP as an independent, effective, reliable and accountable national commission.

The budget for the program is broken down into five line items, in-line with the Project's main activities:

- (1) Advance the development of knowledge and expertise in addressing VAW among strategic groups and institutions;
- (2) Strengthen KP's institutional capacity and development;
- (3) clarify and strengthen KP's legal basis and relationship to the Government's financial and administrative agencies;
- (4) Increase KP's capacity in influencing relevant policy debates affecting women's rights; and
- (5) Improve public access to KP's work and Project Management.

In addition to the AUD1.4 million, AusAID has provided two phases of technical assistance (TA) on Planning, Monitoring and Evaluation (PME)⁹ for KP in 2009, at a cost of AUD38,000, and AUD100,000 in 2010 to facilitate an ongoing in-house human rights and staff competencies programme and further implementation of KP's existing "learning forum". The Indonesia Australia Legal Development Facility (IALDF) provided IDR1,650,000,000 to KP in 2009 for the program "Strengthening the Work of Law Enforcement Officers in Solving of Violence Against Women".

⁵ Ibid.

⁶ KP submitted an unsolicited proposal to AusAID in November 2008.

⁷ A Contract "An Arrangement Between the Government of Australia and the National Commission on Violence Against Women (Komnas Perempuan) of the Government of Indonesia Relating to the Financial Contribution to Support Komnas Perempuan", signed on the 16th of February 2009.

⁸ In addition, there is also a Presidential Decree No 66/2006 on Komnas Perempuan's Remuneration for Commissioners.

⁹ Currently AusAID has earmarked an amount of AUD 100,000 for KP under AusAID's interim supports for Justice Sector Reform

4. PROGRESS AND RESULTS

The AusAID funded activities have been implemented by KP's Commissioners and staff, with coordination and administration by KP's Project Management Unit (PMU). KP's Commissioners and staff are pleased and confident to share the good progress of the first year of implementation of the AusAID supported activities. They highly regard AusAID's commitment to support KP and its flexibility, in terms of funding modality.

4.1. Relevance

AusAID's support to KP has been highly relevant to the promotion of women's rights and human rights in Indonesia, particularly within the international framework for women's rights¹⁰. This support has been relevant in terms of KP's own objectives, GoI objectives, and Australian Government development goals and policies.

Funding of objectives and activities from KP's Strategic Plan 2007-2009 has ensured that this support is relevant to the work of KP, rather than being driven by donor priorities. The particular objectives and activities that have been supported are responsive to KP's current strengths and challenges. In particular, the funding supports activities that builds on KP's strengths in providing an evidence base on violence against women and using this to influence policy debates. It also supports activities that address some of KP's challenges in terms of KP's institutional capacity, its legal status and its relationship with GoI funding and administrative agencies.

AusAID support remains relevant for KP's new Strategic Plan 2010-14. Priority areas for KP under its new Strategic Plan remain access to justice; access to services for survivors; and prevention through changing community attitudes. The key change has been to give greater emphasis to 'disadvantaged' groups, especially women in conflict and post-conflict areas and poor women, as part of KP's work to support survivors. The new Strategic Plan also includes support for the provision of fellowships for women leaders and WHRDs. By focussing on key aspects of KP's mandate and providing multi-year funding, AusAID support has assisted KP in the transition to the new Strategic Plan.

Lesson Learnt: Providing funding to support KP's Strategic Plan has ensured that these activities are relevant for KP and support it to achieve its mandate.

AusAID support for KP is also consistent with GoI policy, including the commitment in the Medium Term Development Plans of the GOI (RPJMN) for 2004-2009 and 2010-2014¹¹ to protect women victims of violence. Book Two within Chapter 1 of the RPJMN 2010-14 regarding Mainstreaming in Development specifically includes an indicator that measures KP's performance - "Improved Institutional Functions of the National Commission on Anti Violence Against Women to promote an Independent, Transparent, and Accountable Organization to Carry Out the Commission's Mandates".

This support has also been and remains in line with Australian policy, including as set out in the Australia Indonesia Partnership (AIP) Country Strategy 2008-2013. In particular, support to KP is in line with:

- Australia's commitment to strengthen the capacity, accountability and responsiveness of legal, democratic and oversight institutions and to support human rights and women's rights institutions, as set out in Pillar 3 of the AIP;
- the priority that the AIP places on promoting gender equality throughout the aid program;
- the commitment in the new AusAID Gender Action Plan for Indonesia¹² to support women's rights and
- improve their access to services as well as to initiate and engage in informed public and policy debates on

¹⁰ The internationally agreed framework for women's rights is established through the Convention on the Elimination of All Forms of Discrimination against Women and a range of other declarations and conventions developed through the United Nations system.

¹¹ One out of 14 result indicators under the sub-heading of Stopping Violence Against Women under the RPJMN 2010-2014 (Book 2 for Mainstreaming in Development) is one among indicators of the AusAID's funding supports to KP, indicating that the AusAID's direct funding support is complimentary to the Government budget and priorities. The State budget linking to this indicator has been particularly facilitate KP to cover its operational costs (electricity, phone, and other administrative expenditures of KP).

¹² AusAID, Gender Action Plan for Australia Indonesia Partnership Country Strategy 2008 – 2013, October 2009. Note that the Plan recognizes the need to supplement gender mainstreaming approaches with targeted and specific gender equality initiatives.

- priority gender issues at all levels; and
- the commitment by Australia's Minister for Foreign Affairs to intensify efforts to address violence against women as part of the Australian international development assistance program.

Recommendation: AusAID should continue its direct support to KP given its significant contribution to promoting women's rights and ending violence against women in Indonesia as well as to maintain its champion to engage in informed public and policy debates on priority gender issues at all levels

4.2. Effectiveness

Key activities under the AusAID funded program were well implemented in 2009 and these largely met the objectives defined in the Contract between KP and AusAID¹³. KP's stakeholders provided positive remarks with regards to the effectiveness and quality of KP's key activities and its approach.

KP's Annual Public Accountability Report and VAW Monitoring Report 'CATAHU' were well organized and have been a key reference for policies and publications of various ministries and donors. In 2009, with AusAID's support, KP was also able to develop and publish an Integrative Report of VAW over 40 Years in Indonesia, which was presented to the President of the Republic of Indonesia at the end of 2009. This initiative was well received by the President. AusAID support has also enabled KP to expand its network of partners and stakeholders, in terms of the number and range of groups with which it works.¹⁴ Chart 1 below shows KP's partners and stakeholders for the period 2007-2009.

A new organizational structure for KP was also developed through KP's 2010-14 strategic planning process. The new structure has streamlined the roles and functions of the sub-commissions within KP. This has included abolishing the community participation sub-commission and more realistically mainstreaming community participation functions into all sub-commissions, and moving the dissemination functions into the Information and Document (Infodoc) unit which reports directly to the Secretary General. The new structure has also clarified the roles and functions of an Ethics Board and equipped KP with a manual for a Code of Ethics. This new structure has incorporated some of the recommendations from the various assessments that were prepared for KP¹⁵. The new organizational structure for KP can be seen in Annex 8.

Recommendation: KP needs to maintain and build on results of this AusAID Supported Program "Strengthening Indonesia's National Mechanism to Enhance State Effectiveness in Promoting Women's Rights and Gender Equality" and their sustainability

KP's working relationships and partnerships with Government organizations, while having experienced some dynamics, indicated positive progress within the past 12 months. For example, KP provided significant input into the development of a Ministerial Joint Decree Number 01/2010 on Minimum Service Standards for Integrated Services for Survivors of Violence Against Women and Children, which was released by the State Ministry of Women's Empowerment and Child Protection in 2010.

AusAID funding facilitated KP's process of developing a five year Strategic Plan for 2010-2014, instead of the usual three year planning term. The five year period of the planning document is consistent with the period of the Government of Indonesia's Medium Term Planning RPJMN for 2010-2014, making stronger linkages between the two documents, with regard to program priorities and budgeting.

KP contributed to the development of substantial aspects within the RPJMN Book 2, chapter 1 regarding Protection to Women Survivors of Violence and also provided input to the development area under the coordination of the Directorate of Population, Women Empowerment, and Child Protection of BAPPENAS.

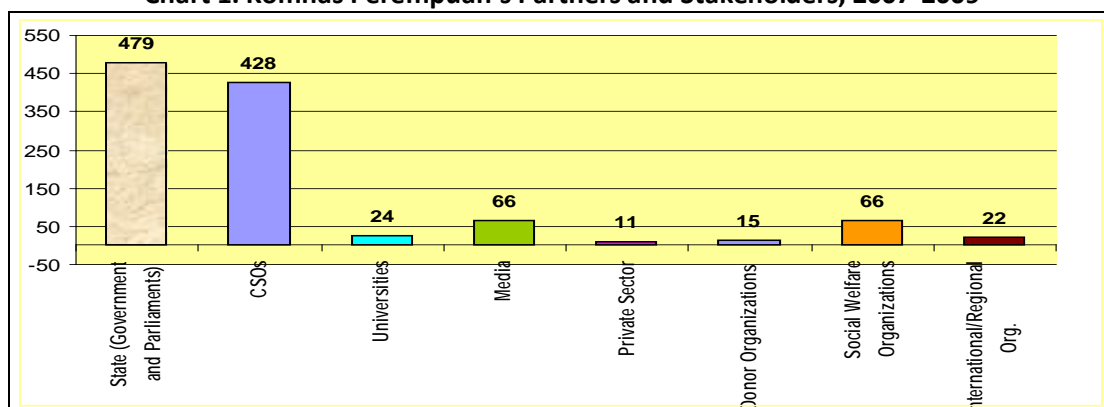
¹³ See Annex 1 of the Contract document

¹⁴ Annex 10 includes further detail of KP's partners and stakeholders.

¹⁵ The new structure has accommodated what most workable recommendations that the UNFPA's Needs Assessment put on its report

The effectiveness of this contribution is demonstrated by the fact that the roles and mandate of KP, as stipulated in the Presidential Regulation 45/2005, are integrated within the RPJMN document.

Chart 1. Komnas Perempuan's Partners and Stakeholders, 2007-2009



Source : Processed data from the KP's Accountability Report 2007-2009

Recommendation: KP should continue to work closely with key government agencies, particularly BAPPENAS, the State Ministry of Women Empowerment, Police Officers, and the Ministry of Justice and Human Rights, to ensure that the stronger links between KP's priorities and those of the government that are outlined in government planning documents are realized, well coordinated, and recognized by wider government organizations.

4.3. Efficiency: Use of Funds, Value for Money, Timeliness, Management and Reporting.

KP has efficiently used AusAID funding and the support has been cost-effective.

Use of Funds and Value for Money. As per December 2009, the Program had spent a total of Rp2,147,349,476, about 97% of the total expenditure plan of Rp 2.217.438.495¹⁶. The review team considers the program has been highly cost-effective in terms of the products that it has delivered, and in strengthening KP and promoting its sustainability as an institution.¹⁷ The focus on two objectives from the KP Strategic Plan has meant that the support is well integrated into KP work; and that it promotes dialogue and reporting across Sub-Commissions within KP. This is in contrast to support from other donors that has been focused on a single activity.¹⁸ The Budget Plan for the 2nd year can be seen in Annex 5.

Timeliness. Overall, the implementation of the AusAID supported activities has been timely. Key achievements through the program are set out above in Section 4.2 Effectiveness.

KP reported some delays in its activities, in particular in establishing the PMU, in completing PME, and in undertaking work to assess KP's legal status. The establishment of the PMU took three months. This was due to the need for KP to ensure that the new unit fitted within KP's Secretariat and functions. KP advised the review team that it recognised the importance of the PMU as a mechanism to administer the AusAID funded activities and to strengthen KP's secretariat functions. The role of the PMU and PME are further discussed below in the section on Management and Monitoring. Another activity that experienced some delays was efforts to carry out an assessment of KP's legal status. This delay was largely due to changes in the political context that were beyond KP's control, and in particular work within GoI to reform and reduce the number of

¹⁶ Data as of April 2010, from the PME unit

¹⁷ The consulted informants (KP's national and donor partners and beneficiaries) have given high praise to the works, processes, products, and services that KP has produced at this stage.

¹⁸ For example, a similar amount of funding has been provided by Norway (NOK 6,37 millions) to carry out a study on Gender Discrimination by Law, covering 7 provinces and 16 districts. This work has been limited to a single Sub-Commission of KP and so has not had the same impact on strengthening KP's internal processes.

public sector agencies. As a result of these uncertainties, this activity was amended to instead focus on improve KP's remuneration package¹⁹.

AusAID funding was timely from the perspective of KP, due to the sharp decline in funding provided by other donors during this period, and the difficulties in accessing an increased, or even the same government funding to pay KP's staff salaries²⁰. AusAID funding has also enabled KP to respond in a timely way to emerging issues. A key example of this, raised by KP's partners during the review, was the timely engagement and support provided by KP to ALIMAT²¹ to facilitate and support its strategic planning and activities. AusAID's support has also been sufficiently flexible to enable KP to act on the new priority given to supporting disadvantaged groups, as identified in its Strategic Plan 2010-14.

Management. One of the objectives of the program is to strengthen KP's institutional capacity and development²², with an activity to build capacity in monitoring and evaluation. One of the mechanisms to achieve this was establishing a Project Management Unit (PMU) within KP, with these positions to be funded by AusAID.

KP's proposal to AusAID included establishment of the PMU to manage, acquit and regularly report on progress of the project and financial commitments. Funding for the PMU is included as a separate line item in the Budget for KP's Proposal²³. KP's proposal does not include further detail on the structure and functioning of the PMU. The funding agreement between AusAID and KP specifies that the PMU will consist of 4 staff – a program Director, Program Manager, Finance Manager and Program Assistant²⁴.

As noted above in the section on "Timeliness", there have been some delays in implementation of the PMU. Part of the reason for this is that this was an additional layer of management and reporting added on to KP's structure, rather than integrated within the existing structure.

In working with KP, AusAID should focus on the results required from the PMU that:

- these funds are used appropriately;
- KP produces acceptable quality reporting on its activities; and
- KP manages and acquits its financial commitments.

These results could be achieved without having specified the number and positions in the funding agreement, in a way that allows KP greater flexibility in shaping the PMU to fit with its existing structure.

Recommendation: AusAID should provide KP with flexibility in shaping the PMU, including altering the conditions in the funding agreement if required.

That said, KP acknowledged the value of a PMU as a mechanism not only to administer the AusAID funded activities, but also to strengthen KP's secretariat functions. The PMU also has potential to support administrative and reporting requirements for other donors.

The PMU has been established and is closely linked with the function of the financial unit and the PME. However, the operation of the PMU to date has not been effective due to lack of clarity on its roles and

¹⁹ KP agreed to SETNEG's recommendations to focus efforts to increase honorarium of commissioners and the Secretary General. Efforts to increase KP's legal status will be done, after more comprehensive assessment is made. A State Secretariat's Study to review various National Commissions, including KP was released. However KP's Commissioners and partners are critical of the quality and clarity of the survey methodology. Some debates on the Setneg's suggestions for KP to be merged with Komnas HAM.

²⁰ A new budget regulation introduced in 2007 has introduced new administrative requirements, including that organizations must meet a certain % of disbursement level in order to be eligible for increased government funding.

²¹ ALIMAT is a network of women's organizations, which is bringing together Islamic based women's organizations such as Muslimat NU, Aisyiah Muhammadiyah, RAHIMA, with broader women's organizations such as LBH APIK to integrate gender equality, justice, and pluralisms in the development and/or revisions of legislation that will include Islamic religious principles.

²² Proposal Objective 2

²³ KP's Budget Plan, line item 5.3

²⁴ KP Funding Agreement, para 4.1 (iii)

function, staff availability (particularly from PME unit)²⁵, and internal secretariat coordination. KP should act to resolve these issues, including recruiting staff (particularly from PME Unit) to ensure that all roles of the PMU are filled.

If KP requests AusAID to work with it in clarifying the roles and recruitment for the PMU, this should be recognized by AusAID management as providing a form of capacity development to KP. This is beyond standard expectations of contract management, and would require additional time and input from the AusAID program manager.

Recommendations:

- KP should clarify PMU's function and its integration within KP's structure, to ensure that it is operating effectively and supporting communication and coordination between KP and AusAID.
- KP should ensure that staff are assigned to the roles in PMU, including through recruiting staff for these positions.
- KP should seek AusAID agreement to any changes to the structure and use of funds for the PMU.
- If AusAID works with KP on the detail of the implementation of the PMU, this should be recognised as a contribution to capacity development for KP and adequately resourced by AusAID.

Reporting: AusAID was happy with KP's last quarterly report, which was succinct and referred to KP's outcome framework. AusAID is expecting KP to provide brief information regarding approaches to respond to obstacles and challenges and lessons learnt from the program in KP's next reporting period²⁶. KP's financial activities have followed KP's SOP for finance and recorded using Excel formats²⁷. KP has been requesting approval from AusAID for budget reallocations at a more detailed level than required by the funding arrangement²⁸. While the requested changes do indicate improved methodology, approaches and processes by KP in managing their budget, AusAID's approvals at this level of activity have increased the workload of both KP's PMU staffs and the AusAID program manager.

Reporting required by the funding agreement includes an annual report, a quarterly report of progress and achievements, a statement of acquittal and a final report²⁹. The acquittal report is required each 6 months, as a requirement for tranche payments³⁰. The statement of acquittal is subject to internal and external auditing procedures and must be certified by an independent external auditor³¹. This reporting is more onerous than reporting for other similar AusAID funding agreements. For example, AusAID's contract to provide direct support to the Fiji Women's Crisis Centre requires a financial acquittal once a year, an annual work plan and progress reporting every 6 months.³² Similarly, reporting requirements for the Vanuatu Women's Centre require an Annual Plan, progress reporting every 6 months and financial acquittal twice a year.³³

Recommendation: AusAID should consider changing its reporting requirements so that progress reports are required every 6 months, rather than quarterly.

KP is required to produce multiple reports on its performance for multiple audiences, each of which requires a different format. This includes reports for Commissioners, BPKP, BAPPENAS, the annual report to the

²⁵ To date, the work of the PMU has largely been undertaken by staff of the PME Unit. Absences of staff due to maternity leave and sick leave have also impacted on the availability of staff to perform the functions of the PMU and PME Unit.

²⁶ This is relevant to the recommendations of the PME TA's report for KP, which were presented on the 2nd phase of PME TA report.

²⁷ The PME unit refers to a Sango 's Accounting system as per KP's SOP for Finance, claimed to be consistent with the AusAID and KP's agreement under article 4 regarding Contribution, point 2.

²⁸ AusAID's direct funding is provided at the level of objective, while KP is requesting approval for changes in spending within each activity under the 2 objectives. A budget reallocation, for example, was submitted to AusAID in September 2009, detailing some modifications of methodologies, approaches, and changes of schedules of some activities and sub-activities. KP implements this approach, according to its previous experiences with other donor supports..

²⁹ KP Funding Agreement, para 6.1

³⁰ KP Funding Agreement, para 5.1

³¹ KP Funding Agreement, para 5.3

³² Deed between Commonwealth of Australia and Fiji Women's Crisis Centre in relation to Fiji Women's Crisis Centre Project Phase 4, Funding Agreement No.12792..

³³ Vanuatu Women's Centre Program, AusAID Funding Agreement No.42235.

President, and separate reports for each donor. Similarly, KP is subject to regular and separate review by a range of different organisations. Recent reviews have included the UNFPA Needs Assessment conducted in 2008, an NZAID review conducted in 2009, this AusAID review being undertaken in 2010, and the 2010 SETNEG study on the future structure of KP. In addition, Norway will be undertaking a review of KP in 2010 as part of its funding to KP. These reviews and reports place a significant strain on KP, and divert resources from KP's core work to eliminate violence against women in Indonesia. There are likely to be opportunities to simplify and align reporting and review requirements. In the event that KP secures future funding from other donors, such as NZAID or Norway³⁴, AusAID should consider ways in which this support can be better coordinated. Options could include harmonised reporting requirements, joint reviews, or delegated authority to one donor.

Recommendations:

- AusAID should consider whether its reporting requirements can be aligned with or met through an existing report that KP prepares for another of its stakeholders.
- In the event that KP secures funding from other donors, AusAID should look to harmonise reporting requirements, including through joint reviews/evaluations.

4.4. Relationship with AusAID

Clearly that this direct funding support has appropriately responded KP's demand driven initiative, has created strong links between KP and AusAID, and has built clear recognition of Australian support.

There is a strong and positive working relationship between the AusAID program manager and KP's PMU staff. The AusAID program manager is providing significant support to KP staff, which is assisting in building KP staff capacity and improving their internal administrative processes and reporting. This support, which is beyond standard contract management, has meant that AusAID has underestimated the level of resource implications that are required for programming, managing and monitoring this direct funding support program³⁵ and at the same time to substantially understand the work within KP's context, in which KP is operating.

So far, the relationship between the new Commissioners and senior AusAID staff has not appeared to be as strong as that at the technical level. This relationship could be formalized through a mechanism such as an annual meeting/high level discussion. The Commissioners hold significant knowledge and expertise on issues such as gender equality, violence against women, and justice sector responses in Indonesia which could make a valuable contribution to AusAID's work in Indonesia.

Other programs and donors that have provided support to KP, such as the IALDF and the Norwegian Embassy, indicated that regular meetings with KP, which also included senior management of the organizations had been useful for improving communication and coordination as well as promoting policy dialogues. These donor organizations carried out meetings (semi-annual, for example), which were organized after KP submitted semi-annual progress reports. The Norwegian Embassy had also organised seminars for their staff and other stakeholders where KP Commissioners presented on new research that they had conducted.

Recommendation: AusAID and KP should consider establishing a semi-annual coordinating meeting that included KP Commissioners and senior AusAID staff, to be held after KP's six-monthly progress report is submitted. Such a meeting would offer a forum for discussing both policies and management aspects of the Program.

4.5. Institutional Development

AusAID support has assisted in responding to some of the key challenges facing KP, including in maintaining KP's sustainability as an institution and in terms of the impact of its work.

³⁴ At the time of the review, Norway's funding to KP was due to expire in 2010 and they had not yet made a decision on future funding. Norway indicated that if they did provide future funding to KP, they would be interested in greater coordination with AusAID in providing this support.

³⁵ During the review, there was about a 40% of person/month of AusAID's staff to manage the Program.

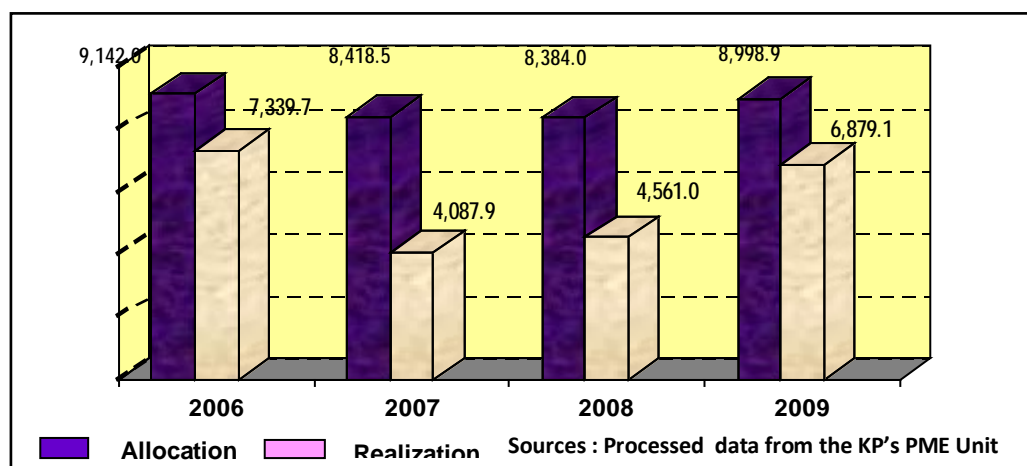
AusAID's support to KP has enabled the organization to strengthen its management and administrative functions as well as to improve coordination with its key partners. This is indicated by the improved performance of KP for the FY 2009, particularly in its PME unit. The new organizational structure that Commissioners approved and included within the Strategic Planning document for 2010-2014 sets up a PME unit to cover functions for planning (and budgeting) and monitoring and evaluation (M&E). The new organizational structure can be seen in Annex 7.

With AusAID's funding support, KP has further strengthened its networks, not only with its partners but also with its former commissioners, which is considered to be very strategic for building KP's sustainability in terms of KP's knowledge. KP has gained invaluable benefits from the continued active engagement of its former commissioners in KP's key activities. Their sustaining supports to KP should not be undermined. KP needs to develop strategies to institutionalize the skills and competencies that the Program has introduced to KP's Commissioners (and engagements with former commissioners), and furthermore to KP's secretariat staffs³⁶.

AusAID's support has facilitated activities that have strengthened KP institutionally, including improving KP's capacity to prepare for their 2010-2014 strategic planning process; the development of Standard Operating Procedures (SOPs) and a Code of Conduct; improving the PME system, framework, tools, and capacities; and developing an orientation program for new commissioners. This has helped to build KP's internal organizational structures and management procedures as a national machinery for promoting human and women's right. The newly developed SOP for PME, including for finance, has resolved some issues that were raised by the UNFPA needs assessment report. Without AusAID's support, these developments would have been beyond KP's abilities and resources to undertake. KP needs to maintain and build on these results.

KP has gradually improved its capacity to disburse its state budget due to improved understanding among KP's staff as well as among Komnas HAM's staff with regard to planning and budgeting requirements. This was a positive development, as compared to the situation in FY 2008³⁷. Staff of both Komnas HAM and KP agreed that their better understanding of the new budget system, better coordination between staff of the two organizations, and the appointment of a fulltime secretary general for KP have significantly improved the budget disbursement performance of both organizations. For KP, budget disbursement has increased from 49% in 2007, to 54% in 2008, and to 75% in 2009³⁸, as seen in Chart 2, below.

Chart 2 : KP's State Budget Spending, 2006 – 2009, (in Millions Rupiah)



³⁶ The experience of one former staff of KP who is currently a member of the KP's commissioners is worth for learning.

³⁷ United Nations Population Fund (UNFPA) undertook a needs assessment of KP in preparation for a proposed long-term joint capacity building program for Indonesia's three national human rights institutions (National Commission for Human Rights, KP and National Child Protection Commission) in 2009. The report for KP emphasized the issue of bureaucracies to the low level of budget disbursement in both the government and within Komnas HAM. This review noted some recognitions from both staffs of KP and Komnas HAM that their lack of familiarities regarding the revised State budget administration as one of the causes.

³⁸ Former KP's consultant on Financial Management indicated a figure of 80% disbursement as an indicative cutting point to be considered as 'good performers' for getting higher budget allocation

AusAID support for PME, has produced significant results. AusAID's support has strengthened KP's management and administrative functions, particularly within the PME unit, and it has helped KP in its ability to manage its data and information management for the preparation of its strategic planning processes and to refine its Standard Operating Procedures (SOPs). It is expected that stronger PME will directly contribute to the success of the direct funding implementation, and will further build KP's organizational confidence and strengthen AusAID and KP's organizational learning.³⁹

One of the PME TAs provided by AusAID brought critical support to the preparation and organization of KP's 2010-2014 Strategic Planning in 2009, including making it easier for KP's staff to release data and information from the M&E system. The outcome framework for the strategic planning document is now incorporated within the PME system. Also, the format for monthly reporting that was introduced by the TA has been adopted and deployed as PME tools throughout the Commission. Staff of KP have been able to work in a more efficient way to report to the Commissioners' monthly plenary session ('paripurna').

Lessons learnt: AusAID support for institutional strengthening that goes through implementing KP's strategic planning and improved monitoring and evaluation has had an impact on KP's operations and sustainability.

Nevertheless, these improved capacities are challenged by the need for KP to further improve the PME Unit's effectiveness, to institutionalize the improved PME system and capacities, and to ensure the PME is adequately staffed. KP reported that it needs to systemize its data and information systems so that staff can easily track and release information for the monthly report and to implement basic PME functions, including those that manage the Gol's requirements and other partners' requirements.

There are some indications that most of the work of PMU, in relation to PME has been tackled by a single person within the PME unit⁴⁰, meaning that communications between KP and AusAID have taken some extra time as the person has also been busy taking care of other PME related aspects across the whole of KP, including planning and budgeting from the state budget⁴¹. There is a need for KP to act quickly to address staff shortages in both the PME Unit and PMU, through either permanently recruiting additional staff or temporarily hiring staff. The recruitment of another assistant PME officer and a PME adviser, which was part of the PME TA's recommendations in their July and October 2009 reports is urgent for KP to follow up, and has been an outstanding issue until the end of the review process.⁴² The recruitment of the PME team will establish a PME team of four to enable the unit to function more effectively, and to better support communication between AusAID and KP on the program's implementation.

Recommendation: KP needs to urgently address staff shortages in the PME Unit and PMU in order to ensure these units are operating effectively, and supporting the work of KP and the implementation of the AusAID supported program.

KP Commissioners and staff need more systematic capacity development on M&E and this will include, but not to be limited to, understanding KP's PME system, getting familiar with the KP's PME mechanisms and

³⁹ Paul Nichols, *ibid*

⁴⁰ During the review process, the PME Unit coordinator has been on maternity leave, and had sent a message for resigning from KP. The only one M&E staff who had taken care of almost all of the PME functions (not only for the AusAID's program but also those that are funded by both the government and other donor agencies) had been on sick leave for a month.

⁴¹ Information and data presentation for PME and reporting has taken PME's staff time. KP has also needed to mobilize PME staff (and also most staff of KP) to participate in preparation for KP's major events, such as launching of Catahu and Pundi Perempuan

⁴² PMETA's report to AusAID, October 2009 indicated that the first priority for PME must be to reduce current workloads to enable KP start establishing its PME systems. Recommendations were (1) KP to recruit an additional assistant to effectively balance the workload of the PME, (2) PME staff to work with an Adviser to design a simple Activity database in MS Access for storing and releasing data and information for KP's quarterly, six-monthly and annual activity performance data in formats required by Commissioners, BPKP, Bappenas and for the Annual Report to the President, and (3) KP to assign at least one of the PME staff to be a user level training in MS Access and to maintain and update the database.

tools (outcome framework) and also strengthening of information and data management.⁴³ AusAID could support this capacity development, which would build on and support the new PME system.

Recommendation: AusAID should consider sustaining and providing additional support to KP to enable systematic PME capacity development. This will assist in ensuring that staff are familiar with the new M&E systems and tools and that they are institutionalized within KP.

AusAID also needs to recognize that capacity development and institutional change requires time to be fully integrated into an organization's operations. For example, while these 2 PME TAs were undertaken in 2009, they are still having an impact on improving KP's M&E. This is due to the fact that, while struggling, KP did further work on refining the TA's suggested framework, and then has become more familiar with the framework each time it has been used to gather data and prepare reports.

Lesson learnt: Institutional change takes time to be fully integrated into an organization's operations. Measurement of the success of changes achieved through TA on operational issues such as M&E should be measured over time, and not just on the basis of outcomes achieved by the end of the TA.

There is a need to improve the Terms of Reference (TOR), outputs and reporting requirements of consultants/TAs to be hired for the Program. This includes those that are recruited as part of the program, and those that are recruited by AusAID as an additional support to KP⁴⁴. For example, KP Commissioners and staff indicated that there is a need for more comprehensive PME training, at the practical level, as well as refinement of the methodology of M&E of activities to end VAW to better reflect the work of KP and international best practice.⁴⁵ The TORs for the M&E could have required that the consultant have experience in monitoring and evaluating activities to end violence against women, and/or that they draw on international best practice in developing a monitoring framework for KP. Similarly, the TORs for the consultants who did an assessment of KP's legal status could have specified that this work and recommendations needed to be well documented for future use by KP⁴⁶.

Recommendations:

- AusAID should ensure that it consults sufficiently with KP on TORs for work to be undertaken to support KP.
- AusAID and KP should ensure that TORs reflect all tasks that consultants are expected to undertake, including proper documentation of results and findings, and drawing on international best practice relating to responding to violence against women.
- In recruiting TAs to do work for KP, AusAID and KP should consider the consultants' expertise and experience relating to gender equality and violence against women.

4.6. Direct Funding as a Modality and Future KP's Supports

4.6.a. Direct Funding as a Modality

The AIP Country Strategy encourages strong emphasis on partnership and putting the principles of partnership into practice, requires collaboration at every step of the program cycle, including in the design, planning and execution, as well as monitoring and evaluation. Both AusAID and KP strongly acknowledged the flexibility of AusAID's support, which has contributed to the Program's effectiveness. As a modality, a direct funding support for a quasi government organization such as KP is a new experience for AusAID, and these require deeper understanding on the implementation approaches of KP, within the Indonesia's budgetary system reform processes. Also direct funding is demanded AusAID's sufficient resource allocation, in terms of programming, monitoring and evaluation. KP indicated the need to have more clarity, in terms of

⁴³ KP's staffs and PME units indicated a 3 days training/mentoring/working sessions is needed for every 3 – 4 months period.

⁴⁴ For example, the 2 PME TAs were recruited by AusAID as an additional support to KP.

⁴⁵ Eg see Bloom, 2008, "Violence against women and girls: A compendium of monitoring and evaluation indicators".

⁴⁶ This review found relevant information from the report under IALDF (IALDF co-funded the work of its TA for Komnas HAM)

AusAID expectations on reporting requirements, budget reallocations and the need to adjust the Terms of Reference/Proposal.

With direct funding arrangement, while capacity development aspects within the proposal should ideally be well understood by both AusAID and KP to enable the program well integrating its inputs⁴⁷, these have tended

to be less well analysed within the Proposal. These have not been least because of the many of other international donors working with KP, but also their different interests, and sometime unrealistic expectations to the required reporting. In this supports, PME is a critical aspect of both direct funding as a funding modality and capacity development as Program's activities.

Direct funding creates strong links between the organisation and AusAID, and clear recognition of Australian support. However, AusAID needs to ensure that it recognises the increased time and KP's staffs implications in managing this form of support and the need to be aware of the context in which KP is operating. There would be value in sharing experiences on direct funding with other AusAID country programs. AusAID could further engage with KP on policy issues, given the wealth of knowledge and experience of KP Commissioners.

AusAID's direct funding support guarantees strong accountability, but it is critical for the funding to not overshadow the Gol's monitoring system and requirements. This direct funding support offers a lesson on the need for AusAID to also assess how this direct funding support contributing to AusAID's experience to improve harmonisation among AusAID's supports to KP and those between AusAID and other donors' supports. This AusAID's supported program contributes to the implementation of KP's strategic planning of both the 2007-2009 and 2010-2014, thus, it has contributed to greater policy alignment of aid in KP. However, the end results of such expectation would depends strongly on the quality and ownership of KP's strategies (and broader Gol organizations) that donor organizations such as AusAID align with.

Improvement in the programming, consideration to other donors' supports, and deeper capacity development assessment of KP would offer positive effect on KP – AusAID collaboration, which at the same time promotes harmonization. This particularly becomes necessary when the direct funding support comprises of various activities that go across divisions and sub-commissions such as what are supported by this direct funding, to contribute to the strengthened KP's institutional capacities, where local ownership of KP is dominant and change is driven internally. The nature of the Program's activities at a pace of 'activities' in the context of a facility, and at the same time as an individual project or package of assistance under the direct funding itself require significant management capacity⁴⁸.

An effective and well designed PME system, tools, and implementation, conducted at the right time and developed in close consultations with KP as the intended users, can be highly cost-effective way to improve performance and learning processes of expanded development interventions and programs that are currently being planned and implemented. This means, the PME should be a tool and not an end in itself, and when designed, applied and managed properly, it will provide crucial and balanced information for strengthening accountability, promoting learning about what works, why and how, and facilitating better and more effective communications for both KP and AusAD. These will have a positive effect on the effectiveness of the implemented programmes. Based on AusAID's experiences in various countries, it is critical for a direct funding support to have a strong PME mechanism that is catering for both accountability and learning purposes. Such PME system may not heavily to focus on a logical framework as a key monitoring tool, rather to agree on certain monitoring mechanisms that could facilitate the potential of continuous learning and improvement for both in KP as an organization and in its relationships with AusAID. Such PME system may

⁴⁷ Unfortunately the proposal was developed when the UNFPA's needs assessment was being carried out so that KP has not been able to incorporate results of the UNFPA's assessment with regard to capacity development aspect into the proposal

⁴⁸ In this context, the PME is not limitedly focusing on the use of PME methods and tools for accountability purpose but also for introducing a system-based approach of PME that covers the PME system, PME within the KP's structure, data and information collection and usage, and PME as a learning purpose.

help providing clarities to both KP and AusAID's managers to discuss and clarify appropriate steps to be taken to achieve the program's objectives, which may have been clear at the outset of a direct funding support⁴⁹. KP's legal status, which has some implications on its sustainability and funding mechanisms demands for deeper understanding among the AusAID and KP's Program Manager as well as other donors to enable Programs for KP responding appropriately and effectively on the needs of suitable and necessary TA for increasing the KP's institutional capacity and sustainability.

Recommendations. AusAID may consider including a component of funding for emerging issues, which equipped with clear criteria and necessary assessments for spending it, to enable KP to respond to fund necessary capacity development and TAs, including in institutionalizing the AusAID supported activities to develop KP's PME system and framework.

Lessons learnt.

- Direct funding support requires collaboration at every step of the program cycle, to include joint design, planning and execution, which requiring approaches to programming based on a more comprehensive understanding of Indonesia's planning and budgetary systems;
- As KP's budget management is still under Komnas HAM's administration, it might be useful lessons for including the need of staffs of Komnas HAM to participate in some of the PME training (and budgeting improvement) that AusAID has provided to KP.
- KP to Sharing accountability information within KP's annual accountability report to the GoI agencies responsible for financial and program's accountability could mutually enforce the state requirement for accountability.

4.6.b. AusAID's Future Supports to KP

AusAID's support for Komnas Perempuan will be encompassed under the Australia Indonesia Partnership for Justice (AIPJ), under an umbrella's facility. Under this facility, AusAID may continue its supports towards area under KP's strategic planning to strengthen capacities of KP its divisions. Specific area that may provide maximum benefits for KP are, including but not to be limited, to continuing the institutionalization of PMU within secretariat of KP. Along this idea, the new facility could provide capacity development supports, with specific focus on KP's secretariat management strengthening, development and implementation of KP's human resource plan, further assuring that PME system is institutionalized, and strengthening KP capacities in donor coordination. Such set of supports should be developed within a systematic and comprehensive capacity development exercises, learning by doing and mentoring, moving from the dominance once-off in-class approach.

AusAID may also explore engagements with KP where could utilize the rich experience of KP working with women empowerment interventions. Some possible engagements, for example tapping KP's experiences working with Female Headed Household Project (PEKKA) to work on women empowerment aspects within AusAID's interventions in civil society strengthening, PNPM's women empowerment component, or in other women empowerment aspects of community driven development approach for AusAID's health and water sanitation programs. Such exploration may fit nicely to some strategies, outlined within the AusAID's Gender Action Plan for improving service delivery to serve women and the poorest of community groups. Another area for AusAID's potential engagements with KP will be to facilitate KP and key national universities cooperation that are expert in studies and data and information collection, leveraging the bulk of work that KP has carried out so far, using its fact-based approach, to monitor VAW across Indonesia and to develop policy studies. But not least, AusAID may facilitate KP to be able to learn from effective collaborations between women machinery from other countries (Australia, India and the Philippines) with respective countries' NHRI on issues of legal status, strategic mandates, independence, and funding.

⁴⁹ Paul Nichols, New Forms of Aid and changing expectations for outcome monitoring in the Australian Aid program, 2007

5. KP'S KEY CHALLENGES

There are some key challenges facing KP, where not all of them may directly influence the sustainability of this current AusAID's direct funding support. This chapter presents some analysis of key challenges and offers a set of recommendations on action taken to address challenges that are likely to impact on the next program implementation and at the same time to take some opportunities for strengthening its program implementation as well as its longer term sustainability.

5.1. Legal Status

KP's legal status⁵⁰, which has been established 'only' with a Perpres, instead of through a law, has led to some debates within and outside KP, in terms of KP's overall sustainability, including staffing, human resource management, organizational structure, and funding arrangements. A recent study that was organized by SETNEG recommended a number of options for KP, one of which was to merge KP into Komnas HAM.⁵¹ Other rumours that were brought to the attention of the review team included that KP may be merged under the Ministry of Women Empowerment and Child Protection, be brought more directly under KOMNAS HAM, or retain its current institutional structure.

KP's legal status has been a critical challenge for KP as an organization, and yet KP has not appeared to have an agreed position on its preference for establishment through decree versus law. There are pros and cons in terms of establishment through legislation versus Presidential decree. If established by law, KP could receive government funding directly from BAPPENAS, rather than through Komnas HAM – which would give them more control over their resources. However, with law, KP may not be able to recruit its commissioners according to its organizational statute which includes broad public consultations, and instead parliament would appoint commissioners. It would also be subject to additional government regulation. Nevertheless, few former commissioners underlined the fact of the issue of KP's legal status has been more of the state's political commitment rather than others. Some other strong organizations have been established 'only' by a Presidential Decree, and so far, no issues were reported on their establishment and state budget availability⁵².

This is likely to be an ongoing issue that occupies significant Commissioners time, given the broader context of moves by Gol to undertake public sector reform, including through reducing and consolidating government agencies. It will be important in this context for KP to be well positioned to be able to present the unique contribution that it makes to gender equality and democracy in Indonesia, in order for to be retained under any reforms to its structure.

One issue where there appeared to be significant confusion was in relation to the potential for KP to be internationally recognised as a National Human Rights Institution. The UNFPA needs assessment implied that KP could gain international recognition as an NHRI if it is established through legislation⁵³. Based on discussions with the APF, we understand that this is not possible, as it is currently only possible for one NHRI to be recognised per country, and this must have a broad human rights mandate. APF indicated that, to their knowledge, there is no intention to change this situation to recognise more than one NHRI or specialised commissions such as children's commissions and women's commissions⁵⁴.

⁵⁰ Note that the UNFPA assessment implies that KP could gain international recognition as an NHRI if it is established through legislation (p36). Based on discussions with APF, we understand that this is not possible, as it is currently only possible for one NHRI to be recognised per country, and this must have a broad human rights mandate. APF indicated that to their knowledge there is no intention to change this situation to recognise more than one NHRI, or specialised commissions such as children's commissions and women's commissions.

⁵¹ The SETNEG study was raised in a number of the consultations. The Review Team did not have access to a written copy of the study.

⁵² The National Sport Committee (KONI) and the National Security Agency (LEMHANAS) were both established with Presidential Decree.

⁵³ UNFPA Needs Assessment, p36.

⁵⁴ Note that APF advised that it is possible for KP to appear on behalf of Komnas HAM in United Nations fora that have a recognised role for NHRI.

KP has included exercises to assess its legal status within AusAID’s funding activities. KP plans to carry out a comprehensive assessment and strategic resolution, with additional support from the Norwegian Embassy to capture the current dynamics of KP’s legal status⁵⁵.

Recommendation:

- AusAID and KP need to discuss the plan to carry out a follow up assessment on KP’s legal status, including how to coordinate this work with a TA that KP is currently discussing with the Norwegian Embassy.
- KP should consider seeking expert advice from the Asia Pacific Forum on options for its structure that would maximize its independence, would be based on the ideas set out in the Paris Principles⁵⁶, and ways to facilitate recognition and participation of KP in international human rights fora⁵⁷.
- KP needs to carry out a systematic policy dialogue plan with leaderships at SETNEG, SETKAB, and the Presidential Office in regards to its legal status

5.2. KP’s Budget and Funding

KP’s budget from both the state and donor funds, in general has increased, to peak in 2006 and 2008 at about 16 billion Rupiah, and averaging about 14 billion per year for 2006-2009. While the State budget for KP increased between 2006-2008, this did not solve KP’s financial issues⁵⁸. Donor funding made up a greater share of KP’s budget compared to funding from the state budget for 2001-2004, but this ratio reversed between 2006 and 2009⁵⁹.

Issues for KP in relation to its budget and government funding include:

- advocating for an amendment or separate regulation for Government funding to support their independence and role in promoting women’s human rights;
- the conflict between international donors requiring separate bank accounts to facilitate financial activities and government regulations which do not allow this;
- a proposal to improve the Presidential Decree No 46/2005 regarding remuneration, in order for KP’s commissioners to receive more decent compensation; and
- the low rates for standard costs applied under the state budget, which set a maximum amount that can be spent on items such as transportation and stationary.

**Chart 3. Composition of State Budget (APBN) and Donor Funding Supports to KP, 2006-2009
(in Billions Rupiah)**

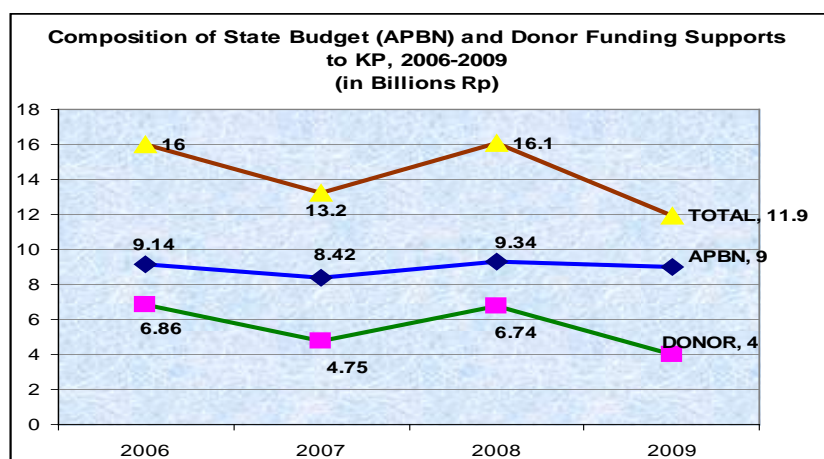
⁵⁵ KP agreed with the Norwegian Embassy to use some funds within their current agreement to provide additional TA for an assessment on KP’s legal status

⁵⁶ The Principles Relating to the Status and Functions of National Institutions for the Promotion and Protection of Human Rights – commonly known as the ‘Paris Principles’. The Paris Principles have been endorsed by the UN Commission on Human Rights (Resolution 1992/54 of 3 March 1992) and the UN General Assembly (Resolution 48/134 of 20 December 1993, annex). The Paris Principles form the basis for accreditation of national human rights institutions at the international level by the International Coordinating Committee.

⁵⁷ Note that NHRIs, with the support of the APF, are currently lobbying for their independent participation in the United Nations’ Commission on the Status of Women.

⁵⁸ The new budget administration requires for government’s organization to have high budget performance, measured by the level of budget absorptive capacity. While not stated in the new regulation, in principle, an absorptive capacity of 80% in the current FY is a minimum level where agencies could have increased budget for the next FY.

⁵⁹ Since 2000, KP has regularly delivered regular public accountability meeting and reports for its budget from both the State and other donors (International donors and private sector). KP’s financial reports have been certified by public accountants (for the State budget) and by independent auditors (for non State budget).



Source : Processed data from PME of KP

KP and Komnas HAM have carried out communications and coordination in their budgeting and funding matters with SETNEG, SETKAB, and the Ministry of Finance, where some improvement in KP's budget earmarks and allocation as well as principle agreements on improved remuneration of KP's commissioners and secretariat has occurred.

Recommendations.

- KP to continue strengthening its communications and coordination with Komnas HAM, BAPPENAS, and Ministry of Finance on its budgeting and funding;
- KP to continue monitoring the realization of its principle agreements that have succeeded to improve its improved remuneration for commissioners and staffs;
- KP to continue its advocacy to critical agencies such as BAPPENAS, Ministry of Finance, SETNEG and SETKAB as well as the Presidential office regarding KP's mandates and its budgetary requirements;

5.3. Institutional and Staff Capacity

Staffs of KP are in general have strong capability and competence in implementing the organization works and mandates. In specific, stakeholders of KP consider KP has been very good in promoting strong accountability, including financial accountability within the organization and between KP and its stakeholders. KP's stakeholders, including officials of the GoI, parliamentarians, CSOs, and donor organizations area familiar with the quality that KP has produced for developing and delivering KP's annual accountability reports. For its staffs and partner organizations, KP has also been acknowledged as training and resource centre. However, after KP staffs gained knowledge from KP, they transfer to other organizations, mostly donor organizations, where financial compensation and career are more promising. The UNFPA's Needs Assessment report indicated that the high turn over of staffs and the absence of effective human resource management system have led to KP's staff shortage. The frequent absence someone who fills the Secretariat General position has also made KP has experienced frequent backlogs and delays in terms of program reporting.

Currently there are 15 commissioners and 44 staffs are currently in KP. The current 15 commissioners will have 5 years period of service, following the new period of KP's Strategic Planning 2010-2014. Various different comments were raised to the composition of the new team. Recruitment of the current members of the commissioners called some debates⁶⁰. The current commissioners' compositions considered as a more mixed - many of the current commissioners come from grass root or mass organizations' background⁶¹. Such composition, considered by KP's stakeholders offers both opportunities and challenges. In one side of the coin, the new team may enrich the bulk of KP experiences to work more on the ground and may introduce building collective decision making processes within KP, and on the other side, the new team may have to

⁶⁰ While justifications were made on the rationales of sustainability, some comments were made with regard to potential issues of conflict of interest as one third of the former commissioners sat as the recruitment panellists as they also continue their assignment.

⁶¹ The former team comprised of commissioners with heavy professional background

face some challenges to work through forward looking initiatives at the policy level and for accessing donor organizations. KP's partners and stakeholders should provide sufficient time for the new commissioners to get familiar with KP's contour, commissioners' new mandates and the current situational setting, enable them to fully understand the Human Rights' System and to develop their own strategy for carrying out their works⁶². Some concerns were raised regarding the absence of commissioners representing Aceh and Papua, which are considered critical area for cases of VAW. However, most commissioners claimed that works to focus on the two areas are assured in the new Strategic Planning document.

KP seems very open for staffs to learn. Many former staffs of KP are currently found working with donor funded programs, with the World Bank and international NGOs. Some lingering issues with regard to sustainability of capacities of KP as an organization considered problematic, leading to lacking of expertise and maturity of the executive body to fulfil its functions. KP's legal status that influences its funding and staffing has lead to the absence of effective human resource development (HRD) plan as well as making it challenging for KP to develop incentives within the staffing system, both in terms of financial compensations and carrier ladders. For example, KP has been challenged by its owned capacity development policies.⁶³ Again, the lack of an ongoing and comprehensive HRD plan to develop and maintain staff capacity, may be considered as a further reason for such situation⁶⁴. Some debates also occur with regard to Commissioners who have been overly focusing to produce the organisation's outputs, but to the detriment of building a sustainable organisation. While good products and credible performance were delivered, the organizations' expertise leaves KP by the time the commissioners finish their assignment. This capacity institutionalization put a significant risk for the organisation and special attentions are needed.

Recommendations.

- KP to assess and exercise a workable and practical, while systematic, human resource plan for both commissioners and staff, within its current legal status, staffing, and funding setting.
- KP to develop a capacity development plan for staff to make it possible for commissioners to see their role as mentors and trainers of Secretary General and staffs, rather than as substitutes or taking over the executive's mandates.

Currently KP gets an additional support from the AusAID's interim funding program of AUD 100,000 that will facilitate an ongoing in-house human rights and staff competencies programme and further implementation of the existing "learning forum", with the aim of developing knowledge about human rights, and women's rights specifically, and other competencies required for staff positions. This will facilitate KP to carry out a regular discussion forum that enables KP's staff to update themselves about new developments in human rights (new international conventions, reports from UN rapporteurs, etc) and to share information. Such comprehensive human resource development programme will not only improve capacities of the staff, but also the new Commissioners, whom despite their undoubted expertise, especially in their specialties, also come to the organisation without the full range of skills to carry out their roles⁶⁵.

Recommendation.

KP to maximize the 'learning forum' with regular training slots, perhaps an hour every week or fortnight, when training on various human rights issues and other competencies needed by the organisation can be

⁶² Consultation with Kamala Chandrakirana, former chair of KP considered the first year as the most appropriate time for donors to provide supports for capacity development and learning for commissioners and staffs, while the third year considered to be commissioners' maturity time, to effectively work to fulfil their mandates

⁶³ KP wants staffs to improve their capacities through capacity development activities. However, there has been a regulation to only provide staffs of KP with opportunities to participate in overseas training and workshop, only after the respective staffs have worked in KP for over 2 years. These have both incentives for staffs to stay longer in KP and at the same time inflicted disincentive for institutionalizing the improved KP's staffs into the broader organization. The UNFPA's assessment report also indicated that in early years of KP, there have been competitions between KP's commissioners and KP's staffs to access donor funded programs.

⁶⁴ Some current and former staffs raised some issues regarding lack of attentions of KP to explore ways to protect staffs' social security, including health insurance.

⁶⁵ The UNFPA report indicated that negotiation and lobbying skills may be required in some cases and also exposure to both international human rights experts and forums, and also to the experience of comparable organisations in other countries – although in-country training has the advantage that more Commissioners could benefit from it.

offered. These capacity development's opportunities need to cater both commissioners and staffs of KP.

5.4. Issues of VAW, Current Trends, and KP's Capacities to Respond its Mandates

The UN's Committee on the Elimination of Discrimination Against Women indicated in this concluding comments for Indonesia that there have been progresses made by the Indonesia's State Party for adopting new laws that aim at eliminating discrimination against women and promoting gender equality⁶⁶. KP recorded there at least 38 policies and regulations where 15 of them at the national level) in promoting the elimination of violence against women. These including Law on Anti Domestic Violence, Citizenship Law, Law on Witness Protection, Law on Anti Trafficking, Law on Anti Discrimination and Racial, 20 policies and regulations at the local level, and 3 policies at the regional level, within ASEAN region, where Indonesia had been active in the development of them.

BAPPENAS reported in RPJMN 2010-2014 that according to Susenas Data 2006, the prevalence of VAW cases in the country was about 3.1%, or about 3-4 million women per year in 2006. KP recorded increased number of VAW. These indicated both increased trust among women survivors to report their cases and at the same time high number of under reported cases as well. Cases of VAW are not only high in number, but also vary in their forms. Specifically in its CATAHU 2007-2009, KP identified new challenges that are faced by Indonesia, with regards to its fulfillment of women's constitutional rights within the national and local justice system, rights of women at post conflict area, women IDPs, and women rights to religions as well as state's commitment to follow up women survivors of previous human rights violations. Other VAW issues are critical for further attentions to include poverty and impoverishment, female migrant workers and trafficking of women and girls both domestic and cross border, as well as insufficient community initiatives and supports to fulfill the rights of women survivors and human rights defenders. In addition, one among the persistence concerns is the issues of trafficking of Indonesians women and girls, both domestic and cross-border trafficking. KP as well as the UN Committee noted their concerns about the persistence of VAW cases, including new forms of violence against women in Indonesia, due to decentralization.

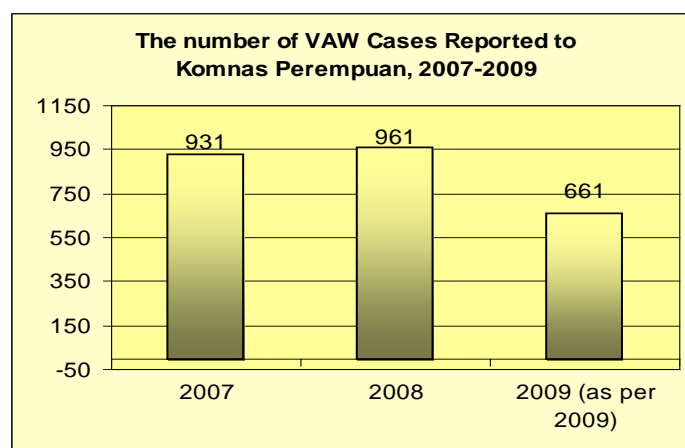
Decentralization offers both challenges and opportunities to KP. Two laws on regional autonomy were launched in 1999, and although with inadequate preparations; decentralization was enacted on 1st January 2001. Splitting districts have been one of serious issues, making Indonesia to have 510 decentralized governments by 2008. The Indonesia's decentralization considered the biggest devolution across the globe, in terms of scale. It has been progressive, but partial, scattered, and not sufficiently fulfilled on the ground. Legal framework has moved in regression for insufficient revisions. Pursuing decentralization reforms that were participatory in nature and based on good governance principles - democracy, justice, accountability, anti corruptions, and equality - while taking into account the potential and diversity of regions, are challenged by capacities of the local governments to improve its performance. One missing critical element in the above debates, however, the effect of the decentralization on women and particularly whether equal recognition is being given to poor women and men as full citizens with the power and opportunity to realize their political aspirations and how these issues contextualized within the decentralization⁶⁷. Revival of conservative religious interpretation on gender roles, debates whether women should be or should not be talking the lead in the community have come out⁶⁸, and KP has carried out some focuses on this particular issues through its study and respective actions to curb the negative gendered impacts of the legislations. At the same time, local governments have recognized the work of KP on the ground, which opening up opportunities.

Chart 4. The Number of VAW Cases Reported to Komnas Perempuan, 2007-2009

⁶⁶ UN's Committee on the Elimination of Discrimination, Concluding comments of the Committee on the Elimination of Discrimination against Women: Indonesia, Thirty-ninth session, 23 July-10 August 2007

⁶⁷ Women's lack of participation in the local development, women participation in public decision making, their lack of participation in legislature drafting and budgeting processes, and gaps in their political representations, as well as negative impacts of the many legislations that brought by the decentralization to women.

⁶⁸ Some decentralized area revived Syariah Law and 'adat' customs that puts women in more traditional roles, situated them in many forms of harassment and violence against them. These all together, have challenged KP on how it works with local governments



Source : Komnas' Accountability Report 2007-2009

These have been real challenges for the country and also for a national mechanism such as KP to be able to balance its respond to strengthen women rights' mechanisms, expand its VAW's monitoring system, while keep promoting and deepening democracy within challenging setting of Indonesia⁶⁹. KP had advocated the delivery of an Anti Trafficking Law through its productive engagements with key stakeholders, including Gol, police force, parliament, and civil society. KP also produced a research on discriminations by laws in 9 provinces and 16 districts in Indonesia. KP identified 154 regional policies (19 policies at the provincial level and 134 policies⁷⁰ at the district level, and 1 policy at the village level) were released over the period of 10 years (1999 to 2009). The bylaws, implemented in seven provinces and 16 regencies, contain rules on clothing, morality and religion, migrant workers and the criminalization of women. The General Election 2009, while had successfully included the 30% quota for women as an affirmative action, issues were raised regarding the nullification of the 'zipper system' within the quota system for women, which then, called for KP attention for advocating Constitutional Court. As well KP supported the improvement of Marriage Law, Anti Pornography Law, and Health Law.

In Indonesia, there have been, at least 235 hundreds new organizations to handle women survivors of violence from Aceh to Papua, 129 Women and Child Unit, formerly the Police Women Desk at Police office at the district level (POLRES), 42 integrated services at the hospital, 23 Integrated Center for Empowering Women and Children (P2TP2A), and 41 women's crisis center (WCC) across Indonesia, they have not been able to monitor and reduce the growth of violence cases and discriminatory acts and to help survivors of violence against women. Some challenges occur with regard to the whole system for protecting women from violence against them. They are (1) the need of competence and skillfull human resource to provide services for survivors of violence against women; (2) synergy between the needs of survivors for services and services that are provided by the government; (3) justice sector's perspectives that are not pro survivors; and (4) lack of budget for the provision of services for survivors of violence against women.

For its regular reporting on VAW in Indonesia, KP has worked closely with its network across Indonesia, from Aceh to Papua. Within this work, KP has provided capacity development for its networks on how to report cases of VAW, including introducing methodologies and tools, and KP's partners have valued such collaborations providing mutual benefits. The KP's works of reporting VAW have also carried out through studying on thematic issues within the local context of VAW in each partners' area, to include domestic workers, migrant workers, trafficking, and syariah laws. KP's partners and stakeholders, nevertheless, indicated that due to the good works that KP has produced, KP has not been able to fulfil its plan as it has also human resources limitation. As a national mechanism for women, KP's stakeholders and partners found the KP's collaborations need to go beyond supplying data for annual VAW's reports, CATAHU, rather expanding the report with analysis on the new dynamics of VAW cases, an assessment on the potentials of stronger partnerships where the work offers mechanisms, including accountability mechanism, for the local

⁶⁹ Komnas Perempuan, Accountability Report 2009

⁷⁰ Komnas Perempuan, Strategic Planning Document 2010-2014

partners to grow and to gain empowerment. These, among others, could be done through a longer term strategy for capacity development for KP's key partners.⁷¹ Such capacity development is expected to help ease the lack of human resource availability within KP, and at the same time to provide KP with options to critically assess whether high demand and expectations could be responded and whether KP has gone beyond its key mandates.

In addition, staffs of KP and commissioners of KP, representing KP or and/on behalf of their individuals have also worked in various different programs, in collaboration with donor funded programs, with the governments, and/or with CSOs. It is critical for KP, then, not only to assess whether they want to respond KP has been overly committed in trying to respond to demands for its collaboration and works but also to assess its human resource management.

Recommendations.

- KP needs to look more holistically and comprehensively on the potential overlaps between its mandates with those of Komnas HAM and the State Ministry of Women Empowerment as well as to assess the overall national system for eliminating VAW.
- KP needs to decide the amount of balance between responding a broad mandate to link with CEDAW or to focus to its comparative or even its competitive advantage in the area of stopping VAW, both the national and local level.
- KP to continue its proactive, yet strategic, action to take opportunities from the decentralization, including strengthening its relationships with local governments, to get stronger supports to its establishment and sustainability.

5.5. Dynamics among and within Stakeholders Organizations;

KP was formed, with strong supports from women organizations and activists, in response to a national political crisis in 1998 to address the state's failure in taking measures against the May's riot cases in 1998. KP has played its critical roles in advocating the state and broader civil society to promote state accountability to rule of laws and human rights values, and the elimination of VAW, as well as to break impunity's cycles.

Reform processes have occurred for over twelve years and most reform actors, including CSOs and women organizations, have experienced some changes, within their internal and external environment. Issues of CSOs' solidity, internal capacities, changes of issues⁷², internal accountability and transparency⁷³, CSOs' relationships with Gol⁷⁴, and their broader issues of sustainability, including their dependency to foreign donors have lingered. Women Studies Centres at universities, whom supposedly work together to support developing studies and fact based policies, have also experienced some dynamics, with regard to their establishment, financial sustainability and internal capacities. As a Quasi government body that is considered as part of CSOs, KP is considered as one organization that has been able to maintain its establishment and tackles its challenges⁷⁵. Dynamics within CSOs, which led to lacking of CSOs external environment supports to KP, have, in some ways, weakened cohesive efforts to promote healthy democracy, to influence policies, and strengthen state, community and private sector's accountability to stop violence against women. While CSO and women NGOs supports may not be obvious to the current KP's existence, their dynamics and challenges have set up KP in different situational setting than that during KP's establishment.

More Gol agencies, both at the national and the local level, have participated in KP's engagements and collaborations for the past two years (2007-2009). These Gol agencies, nevertheless, have demonstrated

⁷¹ A local partner from Aceh that works on VAW reporting, raised high expectations for KP's support to access donors' resources. Reciprocal cultures of some women NGOs in Indonesia have contributed to such expectation, particularly that women in Aceh have felt isolated from donors' supports at this moment.

⁷² Inside Indonesia, Deddy Prasetyo, Future Indonesia 2010 – What will Indonesia look like in 2010.

⁷³ LP3ES in 2005 research said only 12 out of 70 NGO samples that made the annual reports.

⁷⁴ Aditya Perdana (YAPPIKA Research Staff) The Weak Condition of Indonesian Civil Society, 2010

⁷⁵ Reflective Workshop, organized by Puskapol UI and the Asia Foundation, funded by the Norwegian Embassy in April 2010

mixed messages, with regard to their commitments to promote democracy and support KP to stop violence against women⁷⁶.

On the donor side, most international agencies, in principles, have been consistent supporters of KP. However, this review indicates that some donor organizations, including those that work in the area of women rights, have either not fully understood KP's main mandates or have not implemented their commitments into practice. Some donors, for example, have treated KP as an implementer of their programs, rather than putting KP as their key partner for policy dialogues. Most of times, donor organizations have only sent their junior staffs or technical managers whom would describe their project management information and details. These demonstrated disconnections between what donor organizations preach with what they practice.

Recommendations.

- KP to consider its leadership to host donor coordination forum and to do so, KP needs to prepare itself on the challenges that it experienced, with regard to the low commitment of donor organizations to sit and talk with KP at the proper level through policy dialogues;
-
- KP to keep its working relations and engagements with only organizations but also catalytic individual from the governments, CSOs, private sectors, universities, media, consulting groups, professionals, and donor organizations to maintain its promotion of democracy and respect to human rights, and stop violence against women;

6. CONCLUSIONS, RECOMMENDATIONS, AND LESSONS LEARNT

6.1. Conclusions and Recommendations

This review report notes critical program's results, proposes a set of recommendations in Program's review aspects, and offers some lessons learnt, which are integrated in the body of this report. This AusAID's funding to support KP to implement its strategic plan has been highly relevant and helped supported KP to achieve its mandates. The Program needs to provide attentions in filling its gaps and the Program needs to continue.

6.2. Lessons Learnt

The decision of AusAID to provide this direct funding support to KP in 2008, can be considered as a critical and proper decision to make a well performed, accountable, and reformed actor of Indonesia's democratization process such as KP to keep in operation and sustain, within the absence of AusAID's on-going conventional modalities. Nevertheless, AusAID needs to recognize the need to balance between realities that direct funding support being quick, responsive, and flexible modalities and the needs for AusAID to assess its management resources and capacities to administer and oversee this Program, which AusAID might be underestimating on its first place. To be effective, program proposal under a direct funding support arrangement require systematic assessment of budget arrangement of the recipient organization as well as budget system of the recipient country. More significant management support, in terms of time and understanding on the KP's situational setting, both KP's comparative advantages and challenges is also critical. With AIJP is in the pipeline and confirmed to be the next facility to accommodate AusAID's supports to Indonesia's justice sector reform, including those that are under the KP's mandates, strategic supports to KP needs to be focused and maintained along the KP's priorities outlined in its strategic planning, and provided with sufficient flexibilities for KP to strengthen its institutional capacities across division. Area under strengthening of KP's Secretariat, development and practicing KP's human resource management, and donor coordination may be considered.

⁷⁶ At the national level, only after KP presented its Report on 45 years of VAW in Indonesia on front of President SBY, a SETNEG's presentation on an idea of merging KP into Komnas HAM, has confused not only KP but also KP's partners. Some dialogues had been carried out to clarify such blunder, and KP convinced itself on its strong rationales and supports for its establishment. The assessment was carried out by SETNEG with 14 major state universities in Indonesia. Some questions were raised by KP and women study centers with regard to the assessment's methodology and analysis,

ANNEXES

Annex 1. Terms of Reference of the Review

Annual Review of Australian Support to Indonesia Commission for Violence against Women (Komnas Perempuan) January 2010

1. Background

The National Commission for Violence against Women, generally known as Komnas Perempuan is a quasi-government institution that seeks (a) to develop an environment conducive to the elimination of all forms of violence against women and the enforcement of women's human rights in Indonesia; and (b) to strengthen efforts aimed to prevent and address violence against women and to protect women's human rights. Established by Presidential Decree in October 1998, it was born out of the public's call for state responsibility in eliminating all forms of violence against women. Since it was established almost 10 years ago, this independent National Commission has been an integral part of the democratization process of Indonesia. It promotes reform that is responsive to the rights of women and promotes gender equality in Indonesia.

Australia has been providing direct funding for Komnas Perempuan proposal's on *"Strengthening Indonesia's National Mechanism to Enhance State Effectiveness in Promoting Women's Rights and Gender Equality"*. AusAID's direct funding covers specific activities managed by Komnas Perempuan and are directed at 2 of the 5 strategic priorities of Komnas Perempuan 2007-2009, which are:

1. To broaden the opportunities for women victims, groups vulnerable to violence, and women human rights defenders in building their capacities to access their rights to truth, justice and recovery.
2. To further strengthen Komnas Perempuan as independent, effective, reliable and accountable national commission.

The goal of the funding is to provide institutional support to Komnas Perempuan so it can maintain its leadership role in promoting women's rights and facilitate the sustainability of recent breakthroughs in Indonesia. AusAID's support is for an initial two year period that includes an AusAID review after every 12 months.

2. Key Issues

The Indonesian Government is in the process of carrying out a review of the status and structure of Indonesian national commissions including Komnas Perempuan. There are rumours that Komnas Perempuan may be merged under the Ministry of Women Empowerment and Child Protection, be brought more directly under KOMNAS HAM, or retain its current institutional structure. Komnas Perempuan is concerned about the decision on its status which is likely to affect its independence and focus as a national commission working to eradicate violence against women.

Komnas Perempuan is currently part of Komnas HAM; therefore Komnas Perempuan's budget from the Government of Indonesia (GoI) is also channelled through Komnas HAM. With regards to the GoI budget, Komnas Perempuan has raised issues that GoI funding is neither sufficient nor flexible enough to meet the plans of Komnas Perempuan. As a result, Komnas Perempuan is only able to absorb around 40-50% of the overall GoI budget provided.

The United Nations Population (UNFPA) has recently undertaken a needs assessment of Komnas Perempuan in preparation for a proposed long-term joint capacity building program for Indonesia's three national human rights institutions (National Commission for Human Rights, Komnas Perempuan and National Child Protection Commission). The needs assessment recommends a range of long term institutional strengthening and capacity building needs, such as a fundamental review of the legal basis of Komnas Perempuan, comprehensive organizational restructuring and strengthening and specific recommendations for new SKPf. This UNFPA program is planned to be implemented in 2010, but is yet to be confirmed. AusAID's current support is complementary to the UNFPA proposed long-term support by providing much needed immediate assistance to Komnas Perempuan to continue to deliver a range of activities whilst the United Nations (UN) program is being developed.

An initial recommendation to AusAID was to provide a core funding for Komnas Perempuan to enable them to increase staff salaries. Given that AusAID is not able to provide such support grant funding to fund elements of the KP workplan was reconsidered. It was agreed by both AusAID and Komnas Perempuan that AusAID would provide direct funding support covering Komnas Perempuan's core works and activities.

Apart from AusAID, Komnas Perempuan has been receiving funding support for the past few years from donors such as HIVOS, OSI, and Norwegian Embassy. Most of the donor support will be completed at the end of 2009 or early 2010. Given this, Komnas Perempuan has raised concerns that the lack of funding support might affect the management of their program and most of the operational activities of the institution.

3. Objective

The objective of this annual review is to assess whether AusAID assistance provided in the first 12 months of program implementation has been used appropriately and what progress has been made towards achieving Komnas Perempuan's relevant strategic priorities 2007-2009. It will also identify lessons learned to date, and make recommendations for enhancing the program's effectiveness and for achieving program objectives in the current operating context.

4. Scope of Services

The annual review will address the issues of relevance, effectiveness, efficiency and sustainability and cover the following:

- An assessment of implementation progress, use of funds, institutional developments and lessons learnt;
- Detail whether activities supported were consistent with the objectives outlined in the project proposal, and the extent to which that the activities relate and contribute to the objectives set out in the AIP country strategy 2008-2013 and Komnas Perempuan Strategic Planning 2010-2014;
- An assessment of changes in the Komnas Perempuan external and internal environment or strategic direction that impacts on the implementation of AusAID funding support e.g. political or operational issues, other donor support programs, etc. This should include recommendations on what actions should be taken to address these challenges;
- An assessment of the extent to which the activities are sustainable in the longer term and efforts that could be made to improve their sustainability;
- Recommendations on the extent to which the current approach of AusAID support remains relevant and appropriate to meet intended objectives; and
- Recommendations of any changes that should be made to improve the responsiveness and effectiveness of Australian support.

5. Evaluation Process

The review is expected to commence in February 2010. In undertaking the review, the review team will:

- i) undertake initial planning. This includes development of a methodology and a review of relevant documents as outlined in Annex 1. It should also include recommendations on whether the ToR should be refined to appropriately guide the assignment (up to 4 days);
- ii) conduct an in-country consultation with relevant stakeholders (up to 10 days including travel time and weekend);
- iii) brief AusAID on the planning, proposed methodology, preliminary findings and recommendations prior to and following the consultations (1 day);
- iv) prepare the Draft Annual Review Report (up to 3 days); and
- v) revision and finalization of Final Annual Review Report (up to 2 days).

6. Reporting Requirements

The Review team will be required to produce the following outputs:

- a) Methodology and preliminary findings from the document review and initial discussions with AusAID (no more than 5 pages and to be presented prior to the in-country consultation);
- b) Attend a pre-departure briefing (or available for a video or telephone conference) with AusAID, at least a week before consultations to discuss issues for the review, to present the methodology and to provide feedback/input for proposed itinerary and meetings schedule;
- c) An aide memoire to be presented at the end of the in-country consultations;

- d) Draft Annual Review Report; and
- e) Final Annual Review Report (maximum 20 pages, not including annexes)

7. General Requirement for the Consultant

The review team will comprise a national expert with experience and knowledge in gender, monitoring & evaluation, strategic planning and institutional development and an AusAID representative from the Gender Policy & Coordination Unit.

Indonesia National Expert

The Indonesian expert will be responsible for leading the review, leading consultations with key stakeholders, and writing the report of the review. He/she will also be responsible for presenting key findings and recommendation to AusAID and Komnas Perempuan. He/she will provide input on the cultural sensitivity of project activities and approaches. The national expert will also ensure that the review assessments and recommendations are provided within an Indonesian context.

It is desirable that the national expert has strong knowledge of GOI regulations, institutional development, strategic planning and financial management. Experience in participating in reviews of international donor assistance and an ability to write assessment reports in English is essential. It is also desirable that the national expert has demonstrated a good knowledge of gender issues.

AusAID Representative

The AusAID representative will have a strong understanding of Australia's broader assistance particularly in the gender area. He/She will ensure that the review meets AusAID evaluation requirements. The AusAID representative will have an understanding and knowledge of AusAID policies, practices and context in programs related to promoting gender equality. He /she will take direction from the National Expert on attendance at meetings with stakeholders, particularly where the performance of AusAID will be discussed.

Annex 1 of the TOR : Key Documents provided by AusAID

- Draft Gender Action Plan for Australia Indonesia Partnership Country Strategy 2008-2013, October 2009;
- Australian Indonesia Partnership Country Program Strategy 2008-2013;
- AusAID Performance and Evaluation Guidelines;
- *Australian Government Policy on Gender Equality in Australia's Aid Program – Why and How* (March 2007;)
- Komnas Perempuan's Proposal on *"Strengthening Indonesia's National Mechanism to Enhance State Effectiveness in Promoting Women's Rights and Gender Equality"*;
- Progress Reports of Komnas Perempuan;
- Annual Report of Komnas Perempuan;
- Reports of Monitoring and Evaluation Support for Komnas Perempuan;
- Komnas Perempuan Strategic Planning Document 2010-2014;
- Komnas Perempuan Strategic Planning Document 2007-2009;
- UN Assessment Report on National Commission on Violence against Women – 2008;
- External Evaluation Komnas Perempuan – 2006.

Annex 2 of the TOR : List of Proposed People to Meet

- Komnas Perempuan
 - Commissioners
 - Program Management Unit
 - Supporting Bodies
 - Secretary General
 - Working bodies
 - PME
- GOI
 - Setkab/Setneg
 - Ministry of Finance
 - Ministry Women Empowerment and Child Protection
- AusAID
- Komnas HAM
- Donors
 - Norwegian Embassy
 - New Zealand Aid

Annex 2. Structure of KP's Program and Activities

A summary of activities against each of these priorities can be seen, below.

	Objectives	Activities
1	To advance the development of knowledge and expertise in addressing VAW among strategic groups and institutions	<ul style="list-style-type: none"> • Reference book and training for judges and prosecutors on VAW • Policy dialogues with military and police on women's rights during armed conflict and peacekeeping • Fellowship for women leaders and WHRDs • Integrative report on VAW in 40 years of armed conflicts in Indonesia • Collaboration with competent research center on annual VAW report (<i>Catahu</i>) • Annual conference: international (Year 1)& national (Years 2 & 3)
2	To strengthen KP's institutional capacity and development	<ul style="list-style-type: none"> • New 5-year strategic planning workshop • Building KP's capacity in program planning, monitoring and evaluation (PME) • Developing KP's orientation mechanism • Annual meetings with KP donors for coordination and information sharing
3	To clarify and strengthen KP's legal basis and relationship to the Government's financial and administrative agencies	Inter-departmental workshops and dialogues: Ministry of Finance, State Secretariat, Ministry of State Administration, etc.
4	To increase KP's capacity in influencing relevant policy debates affecting women's rights	<ul style="list-style-type: none"> • Formulation of inputs on revised marriage law and procedural regulations: national & international consultations • Policy dialogues, e.g. bills on health, domestic workers, religious courts, truth & reconciliation commission • Follow up mechanism for KP recommendations
5	To improve public access to KP's work and project management	<ul style="list-style-type: none"> • Bilingual website • Improve distribution of KP publications • Project management unit

Source : A summary from the KP's Proposal

Annex 3. List of Reviewed Documents

- Gender Action Plan for Australia Indonesia Partnership Country Strategy 2008-2013 (Final), October 2009; Australian Indonesia Partnership Country Program Strategy 2008-2013;
- AusAID Performance and Evaluation Guidelines;
- *Australian Government Policy on Gender Equality in Australia's Aid Program – Why and How* (March 2007;), Komnas Perempuan's Proposal on *"Strengthening Indonesia's National Mechanism to Enhance State Effectiveness in Promoting Women's Rights and Gender Equality"*; Progress Reports of Komnas Perempuan; Annual Report of Komnas Perempuan; Reports of Monitoring and Evaluation Support for Komnas Perempuan;
- Komnas Perempuan Strategic Planning Document 2010-2014;
- Komnas Perempuan Strategic Planning Document 2007-2009;
- Komnas Perempuan, CATAHU, 2007-2008
- UN Assessment Report on National Commission on Violence against Women – 2008; and External Evaluation Komnas Perempuan – 2006.
- Independent Evaluation Report on Komnas Perempuan, 2006
- RPJMN 2010- 2014, Book 2, 2010
- Presidential Regulation no.65/2005 and no 66/2005
- Komnas Perempuan, Penanganan kasus-kasus Kekerasan Terhadap Perempuan di Lingkungan Peradilan Umum, supported by IALDF, 2009.
- Komnas Perempuan;s Report on its Activities under IALDF's support, 2009
- Komnas Perempuan and Norwegian Embassy's contract document, 2008
- TOR for Support on Presidential Decree no. 66/2005 on the Honorarium of the Plenary Commission and the Executive Body of the National Commission on Komnas Perempuan, IALDF 2009
- TOR for Technical Assistance In Budgeting And Financial Management To The National Committee Of Human Rights And The National Committee Of Woman (Financial Management Adviser), For The Year 2009
- TOR for National Access to Justice Strategy: Women's Legal Empowerment Coordination Mechanism, Interim AusAID's funding Support for KP, 2010

Annex 4. A list of Consulted People during In-country Mission

No	Name	F/M	Position
AusAID			
1	Elizabeth St George	F	First Secretary, Democratic Governance
2	Emily Rainey	F	Second Secretary, Democratic Governance
3	Piter Edward	M	Program Manager, Governance
4	Syaiful	M	Head of Unit, Justice Sector, Governance
5	Rosyidah Handayani	F	Program Officer, Governance
6	Rosalia Scortino	F	Health Advisor
7	Helen McFarland	F	Counsellor, Health, Gender and Disaster Management
Komnas Perempuan			
1	Masruhchah	F	Chair Person of Team 7, Commissioner
2	Yanti Ratnaningsih	F	PME Staffs
3	Sere Aba	F	PME Staffs
4	Dida Suwarida	F	Finance Officer
5	Pinky RM Tatontos	F	Secretary General
6	Ninik Rahayu, SH, MH	F	Commissioner (2 terms)
7	Sylvana Maria Apituley M.Th	F	Commissioner (2 terms)
8	Tumbu Saraswati	F	Commissioner, former Parliamentarian
9	Agus Supriyanto	F	Commissioner (Yogyakarta)
10	Yustina Rusmawati	F	Commissioner, Lecturer of Catholic Univ.of Atmajaya
11	Sondang Frishka Simanjuntak	F	Human Resource Coordinator
12	Siti Nur Khatidjah	F	Research and Development Officer
13	Saherman	M	Assistant the Research and Development
14	Henny	F	Assistant, Resource Mobilization
15	Titi Nurhayati	F	PME assistant
16	Desty Nurdiana	F	Commissioner, Support to the PMU
17	Kyai Husein	M	Commissioner, 2 terms (in a different meeting event)
Other Donors			
1	Lany Harijanti	F	UNFPA, National Program Officer Gender
2	Dwi Faiz	F	UNIFEM, National Programme Officer
3	Nukila Evanty	F	Human Rights Officer, Office of the UNRC, UN/Jakarta
4	Matthew Zurstrassen	M	The Justice for the Poor Program, the World Bank
5	Liza Hamidah	F	Gender Specialist, the Justice for the Poor Program (WB)
6	Mette Kotmann	F	Ministerial Conselor, Royal Norwegian Embassy
7	Lily Maramis	F	Program Officer, Gender, Royal Norwegian Embassy
8	Terria Lamsihar	F	Former Program Manager of IALDF for KP, KH, Supreme Court (MA), Prosecutor Office, and DepKumHAM Currently the Program Manager for the Transitional Funding Support for Justice Sector Reform
The Government of Indonesia			
1	Endang Tri Septa Kurniawati, SH MCL	F	Head of Division, Population, and Social Welfare, Bureau of State Apparatus, Local Governments, and Social Welfare, Setneg
2	Teguh Supriyadi SD, LLM	M	Head of Division, Education, Health, Tourism, and Religious Affairs, Bureau of State Apparatus, Local Governments, and Social Welfare, Setneg
3	Subagyo, MA	M	Deputy Minister for Women Protection, the State Ministry of Women Empowerment and Child Protection (MWE)
4	Poppy Prasetyaju	F	Director, Assistant to the Deputy Minister for Women

No	Name	F/M	Position
5	Agustina Erni	F	Protection on Anti Violence Against Women, MWE Planning Bureau, Chief of Division, MWE
6	Dr Subandi	M	Director for Population, Women Empowerment and Child Protection, BAPPENAS
Partners			
1	Bonnie Kertaredja	F	KPI Bantul Yogyakarta
2	Roslina Rasyid	F	LBH APIK Aceh
3	Sriwiyanti Ediyono	F	Former Commissioner of KP (Yogyakarta)
4	Dra. Syamsiah Achmad, MA	F	Former Commissioner of KP, Chair Women in Politics, and Convention Watch of the University of Indonesia
5	Dra. Maria Ulfah, SH	F	Former Parliamentarian Member; Chair Muslimat NU; Member, ALIMAT (through Phone)
6	Ibu Nining	F	LBH APIK, member of ALIMAT
7	Irawati Harsono, MA, Retired Col. Police	F	Former Commissioner; Chair, Derap Warapsari
8	Nani Zulminarni	F	PEKKA, Female Headed Household Program
9	Ibu Qadar	F	Muslimat NU, Member of ALIMAT
10	Dewi Noviriyani	F	Former Komnas' Secretariat Staff, Consultant of the Netherland Embassy for Access to Justice
11	Bapak Masri Baiki	M	Consultant of IALDF and KP for Improving Perpres 66/2005
12	Salmun Prawiradinata	M	Consultant of IALDF and KP for Improving Perpres 65/2005 and Perpres 66/2005
13	Ibu Hesti	F	Commissioner, Komnas HAM
14	Ninuk	F	Program Staff, Secretariat of Komnas HAM
15	Chitrawati Buchori	F	Independent Consultant of Hickling Ltd, former Gender Coordinator of the World Bank, former partner of KP
Others			
1	Kieren Fitzpatrick,	M	Director, Asia Pacific Forum of National Human Rights Institutions (Tele conference)
2	Greg	M	Team member, Asia Pacific Forum of National Human Rights Institutions (Tele Conference)

Annex 5. A Summary of Komnas Perempuan's Mandates, Roles, and Strategic Objectives (Strategic Planning Document 2010-2014)

A. Presidential Mandate

According to Presidential Regulation No. 65/2005, the objectives of the National Commission on Violence Against Women are: (a) to develop an environment conducive to the elimination of all forms of violence against women and the enforcement of women's human rights in Indonesia; and (b) to strengthen efforts aimed to prevent and address violence against women and to protect women's human rights. To accomplish the objectives, the Presidential Decree determines the tasks of the National Commission on Violence Against Women to be the following:

1. to promote public awareness about all forms of violence against Indonesian women and about efforts to prevent, address and eliminate violence against women;
2. to implement assessment of and research on existing laws and regulations and international instruments relevant to the protection of women's human rights;
3. to undertake monitoring activities, including fact finding and documenting all forms of violence against women and violations of women's human rights; to publicize the results of monitoring activities and to take necessary steps towards ensuring accountability for and addressing of issues uncovered in the monitoring process;
4. to provide information and recommendations to the government, to legislative and judicial bodies as well as to civil society organizations that facilitate and advocate for the formulation and ratification of a legal and policy framework that is conducive to preventing and addressing all forms of violence against Indonesian women, as well as to the protection, enforcement and promotion of women's human rights; and
5. to develop regional and international partnerships to improve the effectiveness of efforts to prevent and address all forms of violence against women; including efforts to protect, enforce and improve women's human rights.

Komnas Perempuan's Strategic Role

Based on the tasks mandated by the Presidential Decree, Komnas Perempuan has defined its strategic role in the broader reform process and among the women's movement in the following way:

1. a resource center on women's human rights and violence against women as a human rights violation
2. negotiator and mediator between state agencies and communities of victims and women human rights defenders
3. initiator of policy change and formulation, including on necessary legal mechanisms and services for victims, for the purpose of protecting and promoting women's rights
4. monitor and rapporteur on gender-based human rights violations on a regular basis and in cooperation with other human rights institutions
5. facilitator of networking at the local, national and international levels for the purpose of preventing, addressing and eliminating all forms of violence against women (VAW)

Strategic Objectives

At the beginning of their term, in early 2007, Komnas Perempuan's Commissioners formulated their strategic objectives for the period of January 2007 – December 2009 (and continued in Strategic Planning of 2010-2014) as follows:

1. To increase state efforts to fulfill its responsibilities in women's human rights and in addressing all forms of violence against women, through:
 - a. improving the legal and policy framework
 - b. strengthening the mechanisms for recognition and resolution of cases
 - c. transformation of the attitudes and behaviors of state agents towards responsiveness to the needs and rights of women victims of violence to truth, justice and recovery

2. To broaden the opportunities for women victims, groups vulnerable to violence, and women human rights defenders in building their capacities to access their rights to truth, justice and recovery.
3. To expand and strengthen the role of society, particularly social groups which would have influence on the occurrence of VAW and violations of women's rights, in the effort to eliminate all forms of violence against women.
4. To build synergistic mechanisms of communication and cooperation across institutions, which are effective and sustainable, among social forces and state agencies for the elimination of all forms of violence and discrimination against women.
5. To further strengthen Komnas Perempuan as an independent, effective, reliable and accountable national commission.

Annex 6. Budget Plan for Year 2 .

Summary		
No.	Descriptions	
1	Advance the development of knowledge and expertise in addressing VAW among strategic groups and institutions	1,586,750,000
1.1	Reference for judges and prosecutors on VAW	348,000,000
1.2	Policy dialogues with military and police on women's rights during armed conflict and peacekeeping : workshops, TA and publication	618,000,000
1.3	Fellowship for Women leaders and WHRDs	-
1.4	Integrative report on VAW in 40 years of armed conflicts in Indonesia	-
1.5	Collaboration with competent research center on annual VAW report	250,250,000
1.6	Annual Conference : International & National	370,500,000
2	Strengthen KP's institutional capacity and development	536,250,000
2.1	New 5 year strategic planning	-
2.2	PME : courses, in house training & TA	226,000,000
2.3	Orientation mechanism : workshop & kit	129,000,000
2.4	Annual meeting with KP donors	181,250,000
3	Clarify KP's legal basis and relationship	-
3.1	Inter-departmental workshops and dialogues and developing policy documents	-
4	Increase KP's capacity in influencing relevant policy debates affecting women's rights	608,250,000
4.1	Formulation of inputs on revised marriage law and procedural regulations : national & international consultations	171,750,000
4.2	Policy dialogues	69,750,000
4.3	Follow up mechanism for KP recommendations : workshops, policy documents public dialogues	366,750,000
5	Improve public access to KP's work and Project Management	813,000,000
5.1	New bilingual website	174,000,000
5.2	Improve distribution of KP publications & Expansion of Library Collection	195,000,000
5.3	Project Management Unit	444,000,000
Grand Total		3,544,250,000
		472,567

Annex 7. Funding Support to KP from 2007-2010

Donors	Value	Period
1 Women for Human Right's (WWHR)	USD 15.000	Dec 2007-Dec 2009
2 Open Society Institute (OSI)	USD 150.000	Dec 2008-Dec 2009
		July 2007- August/September 2010
3 Kedubes Norwegia	NOK 6.3700.000	
4 New Zealand Aid (NZAid)	IDR 2.000.000.000	Sept 2007-May 2110
5 The Body Shop Indonesia	Rp 200.000.000	2008-2009
6 Hivos	Euro 166.327	July 2006-Dec 2009
AusAID		
		April 2008-Marcht 2009
1 IALDF	IDR 1.650.000.000	
2 AusAid Direct Funding Support	AUD 1.400.000	Feb 2009-Feb 2011
3. Additional PME TA	AUD 38,000	2009
		April – September 2010
4. Interim Support	AUD 100,000	

Source : KP' Accountability Report 2007-2009 and Interview with AusAID

**Aide Memoire
Independent Annual Review**

AusAID Direct Funding Support to Komisi Nasional Perempuan

A. Review Background

1. Activity Background

Australia has a contract to provide up to AUD 1.4 million over 3 years in direct funding for Komnas Perempuan (KP) to support their proposal on *“Strengthening Indonesia’s National Mechanism to Enhance State Effectiveness in Promoting Women’s Rights and Gender Equality”*.⁷⁷ The goal of this support is to provide institutional support to maintain Komnas Perempuan’s leadership role in promoting women’s rights. The support has been designed to contribute to meeting KP’s defined strategic roles, in line with their Presidential mandate as per a “Peraturan Presiden” or a Presidential Decree No.65/2005⁷⁸.

An independent review team⁷⁹ was assigned to assess AusAID’s support after 12 months of implementation, in terms of appropriateness of the use of AusAID funding, progress towards achieving KP’s relevant strategic priorities, and lessons learned to date⁸⁰. The review team was tasked to provide recommendations to enhance the program’s effectiveness in the current operating context, and the relationship between AusAID and KP.

2. Activity Description

The Proposal comprises of a two, possible continuing three year program, to support two out of five priorities within the KP’s Strategic Plan. The priorities supported through AusAID funding are:

- To broaden the opportunities for women victims, groups vulnerable to violence, and women human rights defenders in building their capacities to access their rights to truth, justice and recovery; and
- To further strengthen KP as independent, effective, reliable and accountable national commission.

A summary of activities against each of these priorities is included at Annex 1. The Program’s activities have been implemented by the KP’s Commissioners and staff, through KP’s Project Management Unit (PMU). In addition to the AUD 1.4 million, AusAID provided two phases of technical assistance on Planning, Monitoring and Evaluation (PME)⁸¹ for KP in 2009.

7.3. Review Process

AusAID commissioned this Independent Review as part of its internal quality management systems. The objectives of this Review are to assess whether AusAID assistance provided in the first 12 months of program implementation has been used appropriately and what progress has been made towards achieving Komnas Perempuan’s relevant strategic priorities. The Review team is assigned to look at how the changes in KP’s external and internal environment or strategic direction impact on the implementation of AusAID’s funding; the extent to which the activities are sustainable in the longer term and efforts that could be made to improve their sustainability; and recommendations on the extent to which the current approach of AusAID support remains relevant and appropriate to meet intended objectives. It also looks at any changes that should be made to improve the responsiveness and effectiveness of Australian support.

⁷⁷ A Contract “An Arrangement Between the Government of Australia and the National Commission on Violence Against Women (Komnas Perempuan) of the Government of Indonesia Relating to the Financial Contribution to Support Komnas Perempuan”, signed on the 16th of February 2009.

⁷⁸ In addition, there is also a Presidential Decree No 66/2006 on Komnas Perempuan’s Remuneration for Commissioners.

⁷⁹ The review team were Leya Cattleya/team leader (independent consultant) and Ms Melissa Stutsel (Adviser for Ending Violence Against Women, AusAID/Canberra). During the in-country mission, AusAID/Jakarta (Post) provided guidance and organisation of consultations, meetings, and documents’ translations. The Team worked in Jakarta from 22 – 25 Feb 2010.

⁸⁰ The contract states that the support is for an initial two year period that includes a ‘stop-go review’ review after every 12 months. (Article 11.3 of the contract)

⁸¹ While KP has contracted required national consultants within the AUD 1.4 million budget, AusAID has provided an additional international TA for KP on PME to assist with KP’s reporting requirements both within KP and to AusAID.

An Independent Consultant for the Review prepared a methodology for the review, and discussed it during the in-country briefing with AusAID, prior to the in-country consultation with key stakeholders.⁸² Preliminary findings and recommendations were presented to AusAID through presentation of this Aide Memoire. An Annual Review Report will be developed, for AusAID review and input. A follow up tele-conference with key stakeholders is planned to be organized after the in-country mission.

B. Preliminary Findings of the Review

1. Implementation Progress to date:

Relevance. AusAID's support to Komnas Perempuan (KP) has been highly relevant to the promotion of women's rights and human rights in Indonesia, particularly within the UN framework, in relation to CEDAW and beyond. This is central to KP's mandate. AusAID support has assisted in responding to some of the key challenges facing KP, including in maintaining KP's sustainability as an institution and in terms of the impact of its work. AusAID support for KP is also consistent with the Medium Term Development Plans of the GOI (RPJMN) for 2004-2009 and the 2010-2010⁸³.

The relevance and value of AusAID support was confirmed by Komnas Perempuan and its stakeholders (women CSOs, the Government offices, and other donors). Benefits that were identified included establishing a stronger foundation for KP to implement its five year plan and programs; and strengthening KP's accountability. The form of support was considered responsive to KP's current strengths and challenges within its operational setting.

KP's new Strategic Plan 2010-14 is consistent with its Strategic Plan 2007-2009. Priority areas for KP remain access to justice; access to services for survivors; and prevention through changing community attitudes. The key change has been to give greater emphasis to 'disadvantaged' groups, especially women in conflict and post-conflict areas and poor women, as part of KP's work to support survivors.

Support to KP has been and remains in line with Australian policy, including as set out in the Australia Indonesia Partnership (AIP) Country Strategy 2008-2013. In particular, support to KP is in line with:

- Australia's commitment to strengthen the capacity, accountability and responsiveness of legal, democratic and oversight institutions and to support human rights and women's rights institutions, as set out in Pillar 3 of the AIP;
- the priority that the AIP places on promoting gender equality throughout the aid program;
- the new AusAID Gender Action Plan for Indonesia, which recognises the need to target specific gender equality initiatives; and
- the commitment by Australia's Minister for Foreign Affairs to intensify efforts to address violence against women as part of the Australian international development assistance program.

Effectiveness. The Program's activities under the first year of the Program Plan, in general, were implemented and these largely met the objectives defined in the final program proposal (See Annex 1 and Appendix 1 of the Contract document). KP's stakeholders provided good remarks with regards to timeliness, approach, effectiveness and the quality of KP's key activities.⁸⁴

KP's working relationships and partnerships with Government organizations, while having experienced some dynamics, indicated positive progress within the past 12 months. KP, for example, provided significant input into the development of a Ministerial Joint Decree Number 01/2010 on Minimum Service Standards for Integrated Services for Survivors of Violence Against Women and Children, which was released by the State Ministry of Women's Empowerment and Child Protection in 2010. KP also

⁸² A list of consulted persons is at Annex 2 of this Aide Memoire.

⁸³ One out of 14 result indicators under the sub-heading of Stopping Violence Against Women under the RPJMN 2010-2014 is similar to one indicator of the AusAID's funding supports to KP.

⁸⁴ Most, if not, all consulted informants regarded KP as one of the best and most accountable National Commissions in Indonesia. KP has also been the only NHRI that has submitted a regular (and quality) annual report to Setcab.

strengthened ALIMAT networks⁸⁵ by supporting consultations and strategic planning processes and activities. KP's Annual Public Accountability Report and VAW Monitoring Report 'CATAHU' are well organized and are a key reference for policies and publications of various ministries and donors. KP also developed of an Integrative Report of VAW over 40 Years in Indonesia through AusAID support.

There have been some delays on implementation of activities – in particular, in the establishment of a PMU⁸⁶ and readjustment of an activity to clarify and strengthen KP's legal basis and relationship to the Government's financial and administrative agencies⁸⁷.

Use of Funds. As per December 2009, the Program had spent a total of Rp 2,147,349,476, about 97% of the total expenditure plan of Rp 2.217.438.495. The review team consider that this program has been highly cost-effective in terms of the products that it has delivered, and in strengthening KP and promoting its sustainability.⁸⁸ The focus on 2 objectives from the KP Strategic Plan has meant that the support is well integrated into KP work; and that it promotes dialogue and reporting across Sub-Commissions within KP. This is in contrast to support from other donors that has been limited to a single activity.⁸⁹ KP has been requesting approval from AusAID for budget reallocations at a more detailed level than required by the contract.⁹⁰ This increases the workload for the AusAID program manager. The requested changes do indicate improved methodology, approaches and processes by KP in managing their budget.

2. Institutional Developments:

AusAID's support has facilitated activities that have strengthened KP institutionally, including improving KP's capacity to prepare for their 2010-2014 strategic planning process; the development of Standard Operating Procedures (SOPs) and a Code of Conduct; improving the PME system, framework, tools, and capacities; and an orientation program for new commissioners. This has helped to build KP's internal organizational structures and management procedures as a national machinery for promoting human and women's right. Without AusAID's support, these developments would be beyond KP's abilities and resources to undertake. KP needs to maintain and build on these results.

AusAID support for institutional strengthening, including on PME, has had an impact. However, AusAID should reconsider its expectations of the time frame for these changes to be fully integrated into KP's work. Some challenges remain, with regard to how KP could institutionalize the skills and competencies that the Program has introduced to KP's Commissioners and staff.

Some issues, including the legal status of KP as a Quasi Government organisation, which has been established 'only' with a Presidential decree instead of through a law, have implications with regard to KP's access to Government funding, staffing, and organizational structure. Such issues need strategic resolution, not only from KP, but also from high level decision makers within the GOI, parliamentarians, and the community, including the women's movement and human rights defenders.

Attention should be given to Terms of Reference, expected outputs and reporting requirements of consultants/TAs to be hired for the Program, both that are being funded through KP's funds and those that

⁸⁵ A networks of women organizations, including Islamic Based Women Organizations, to integrate gender equality, justice, and pluralism in the development and/or revisions of legislations that will include Islamic religious principles.

⁸⁶ The PMU took 3 months to set up. The delay was due to need to ensure that it fit within KP's Secretariat and functions.

⁸⁷ There have been some emerging debates on the Setneg's suggestions for KP to be merged with Komnas HAM. Setneg has cited a survey of Indonesian Universities as support for this proposal, however KP's Commissioners and partners are critical of the quality and clarity of the survey methodology.

⁸⁸ The consulted informants (KP's national and donor partners and beneficiaries) have given high praise to the works, processes, products, and services that KP has produced at this stage.

⁸⁹ For example, a similar amount of funding has been provided by Norway (NOK 6,37 millions) to carry out a study on Gender Discrimination by Law, covering 7 provinces and 16 districts. This work has been limited to a single Sub-Commission of KP and so has not had the same impact on strengthening KP's internal processes.

⁹⁰ AusAID funding is provided at the level of objective, while KP is requesting approval for changes in spending within each activity under the 2 objectives. This detailed level of breakdown is in line with requirements by other donors that have previously supported KP.

are being funded directly by AusAID. While the proposed Monitoring Framework that was introduced by the PME TA through AusAID support is being used by KP, it needs further refinement to better reflect the work of KP and international work on monitoring and evaluation of activities to end violence against women.⁹¹ The work and recommendations of the consultant who has done an assessment of KP's legal status also needs to be well documented.

3. AusAID's Modality – Direct Funding Support and AusAID - KP's Relationships

KP commissioners and staff strongly acknowledged the flexibility of AusAID's support, which has contributed to the Program's effectiveness. KP's staff are eager to learn from AusAID, and have been happy with AusAID's communications and management style. KP staff indicated that they would like more clarity, in terms of AusAID expectations on reporting requirements, budget reallocations and the need to adjust the Terms of Reference/Proposal.

Direct funding creates strong links between the organisation and AusAID, and clear recognition of Australian support. However, AusAID needs to ensure that it recognises the increased time and staff implications in managing this form of support and the need to be aware of the context in which KP is operating.⁹² There would be value in sharing experiences on direct funding with other AusAID country programs. AusAID could further engage with KP on policy issues, given the wealth of knowledge and experience of KP Commissioners. AusAID should also seek to increase coordination across AusAID funded programs and with other donors in relation to funding and reporting requirements for KP.⁹³

4. KP's Current Operational Settings: Strengths and Challenges (Internal and External)

Strengths

- High recognition by stakeholders at the national and local level and by donor communities of KP's establishment ('herstory' and background), as well as to its work and products;
- KP has nearly 700 organizations in its network;
- KP's value add - fact based reports and policies as well as innovative approaches;
- KP works at three different levels – with the survivors of VAW; the state; and broader CSOs, including universities and the media;
- KP's working principles – respect to human rights, gender equality, pluralism, consultations, independence, anti-violence, and accountability – have all been well implemented;
- Highly committed and competent commissioners and staff;
- New composition of commissioners and different management styles that promote collective decision making may promote more conducive working relationships between commissioners and staff;
- Improved capacities of both individual staff and KP as an organization, due to AusAID support;
- Recognised as a National Human Rights Institution (NHRI).

Challenges

Many of the difficulties KP faces are not unique to Indonesia, and are also faced by women's machinery and NHRIs in other countries, for example: clarity of its role compared to other parts of the women's machinery; stakeholder expectations – policy formulation and advocacy vs service delivery; public awareness of the existence and role of KP; and maintaining independence.

However, KP faces other challenges, which are more specific to KP. They are, among others:

- KP does not appear to have an agreed position on its preference for establishment through decree versus Law;
- KP has been overly committed in trying to respond to demands for its collaboration and work;

⁹¹ Eg see Bloom, 2008, "Violence against women and girls: A compendium of monitoring and evaluation indicators".

⁹² The Program has been one among the first direct support initiatives for AusAID in Indonesia and has required 40% person/staff to manage the Program. AusAID raised issues of communications, during the debriefing to the Review team.

⁹³ KP has previously received funding from NZAid, Norway, the Ford Foundation, the Body Shop and IALDF. Norway, UNIFEM and UNDP are considered providing funding to KP in 2010.

- Gender bias and gender blind government and society at the national and local level;
- New dynamics within and among civil society organizations/women organizations as well as within the government (at the national and local level);
- New commissioners/team and KP's future direction – grass roots based commissioners vs scholars;
- Donors and the Government agencies' perspectives upon KP – policy formulation and advocacy vs implementer/service provider;
- High turn over among KP's staff; and
- Ability of KP to follow up its action plan vs its resource capacities and availabilities.

5. Sustainability:

AusAID's support through efforts to improve KP's organizational capacities and functions, have strengthened KP's sustainability. Key focuses for KP in building its sustainability are: managing high expectations about its mandate and work; access to resources, including the state budget; and its legal status that has emerged as a major issue for 2010. There are two aspects to the legal status of KP: (1) possible merging of KP with KHAM and (2) possible change in basis of KP establishment from Presidential Decree to Legislation. In the absence of securing additional external funding, KP expects to go into deficit in June 2010.

6. Preliminary Recommendations/Lessons learnt:

- AusAID's support remains relevant, fills a gap and should continue;
- Direct funding support involves a balance between being quick, responsive, and flexible vs AusAID's level of management. AusAID may be underestimating the level of resources required for managing/overseeing this Program. More consultations among KP, AusAID's staffs, and KP's partners during the development of the Program proposal would assist in assessing the resource implications for AusAID and KP;
- Better assessment is needed on KP's capacity development needs⁹⁴
- In the event that KP secures funding from other donors, AusAID should look to harmonise reporting requirements, including through joint reviews/evaluations, which would also offer joint learning;
- There is an opportunity for AusAID to engage further with Komnas Perempuan on substantive policy issues through discussions with Commissioners. One option for this would be to hold an annual roundtable between AusAID senior executive in Jakarta and commissioners;
- AusAID should seek to ensure consultants providing TA to KP have gender expertise, and, if possible, knowledge on issues relating to violence against women and women's human rights;
- AusAID may need to adjust its expectations on the timeframe for achieving institutional changes within KP;
- AusAID could consider including a component of funding for emerging issues to enable KP to respond to cases of human rights violations as they occur. Criteria for spending could be specified based on an assessment that is carried out by KP and AusAID; KP could spend without seeking approval from AusAID; then could be reported and acquitted through standard reporting; and
- AusAID could consider changing KP reporting requirements to six monthly reporting.

7. Acknowledgements

The Review team greatly valued the insights and experience of the consulted KP stakeholders who reside in Jakarta, Yogyakarta, and Aceh. Great appreciation is due to Rosyidah Handayani who provided administrative and logistical support during the review processes and also to consulted AusAID Jakarta staff who provided guidance and feedback on the Review Team's activities.

⁹⁴ This should include discussion with KP of the appropriateness/usefulness of UNFPA's 2008 Needs Assessment of KP.

Annex 9. KP's Organizational Structure (Strategic Planning 2010-2014)

