



ENDLINE REPORT

USAID MAJu PROGRAM

(EMPOWERING ACCESS TO JUSTICE) 2016-2021

August 2021

Reported to:

USAID MAJu /The Asia Foundation

Prepared by:

Johanes Da Masenus Arus

Retno Agustin

Astriyani Achmad

Contributor:

Indriyati Suparno

Ghaffur Abdul



TABLE OF CONTENTS

TABLE OF CONTENTS	2
LIST OF ABBREVIATIONS	5
EXECUTIVE SUMMARY	11
<i>Evaluation Purpose and Evaluation Questions</i>	11
<i>Project Background</i>	11
<i>Evaluation questions, Design, Methods and Limitations</i>	11
<i>Findings And conclusions</i>	12
I. INTRODUCTION	16
1.1. Background	16
1.2. Targets, Objectives and Deliverables	16
1.3. Endline Questions	16
1.4. Methodology	17
1.4.1. Frameworks	17
1.4.2. Data Collection Method	18
a. Document Study	18
b. In-depth interviews/ individual interviews and group interviews	18
c. Gender and Social Inclusion assessment (GESI) survey	19
d. Story of change	20
1.4.3. Processing and reporting	20
a. Workshop for collected Data/Information Analysis	20
b. Reporting	20
c. Presentation of Endline Study results	20
1.4.4. Sampling	20
1.5. Endline Study Implementation Time	21
1.6. Limitations	21
II. ACCESS TO JUSTICE SITUATIONS IN MARGINAL COMMUNITIES	23
2.1. Access to Justice for Religious and Ethnic Minorities	23
2.1.1. Human Rights Issues and Violence Against Religious Minorities	23
2.1.2. The Role of Women and Gender Dynamics in Religious and Ethnic Minority Communities	25
2.1.3. Community Capacity	26
2.1.4. Organizational Mechanisms to Address Injustice	27
2.1.5. Barriers	28
2.1.6. Perceptions of Justice for Religious Minorities	29
2.2. Access to Justice in Women's Communities	30

2.2.1. Human Rights Issues and Violence Against Women	30
2.2.2. Analysis of Gender Roles and Community Social Inclusion	32
2.2.3. Community Capacity	33
2.2.4. Institutional Mechanism to Solve Problems	34
False Mediation and Restorative Justice	36
2.2.5. Challenges and obstacles	38
2.2.6. Perception of Justice for the Women's Community	40
2.3. Access to Justice for the LGBT Community	41
2.3.1. Human Rights Issues and Violence Against the LGBT Community	41
Access to Legal Identity	42
Access to Health Services	43
Enjoying the Right to Expression, Assembling and Expressing Opinions	44
2.3.2. Social Inclusion and Acceptance of the LGBT Community	45
2.3.3. Community Capacity to Access Justice	47
2.3.4. Mechanisms, barriers to access justice and victims' perceptions of justice	48
2.4. Access to Justice for Indigenous Papuan Communities	50
2.4.1. Human Rights Issues and Access to Justice	50
2.4.2. The Role of Gender in the Papuan IP Community	51
2.4.3. Community Awareness and Capacity	52
2.4.4 Mechanisms to access justice	55
2.4.5. Obstacles	56
2.4.6. Perception of Justice	56
III. GENDER CAPACITY AND SOCIAL INCLUSION OF ADVANCED PARTNER INSTITUTIONS	58
3.1. Gender Policy and Social Inclusion in Organizations	58
3.2. Gender Integration and Social Inclusion in Programs	60
3.3. Gender Focal Points and Strengthening Gender Capacity and Social Inclusion	61
IV. WORKING CAPACITY FOR ACCESS TO JUSTICE	63
4.1. Capacity of Legal Aid Organization Partners	63
4.1.1. Human Resources (HR) Capacity	63
4.1.1.1. Capacity of LBH Offices Under YLBHI	64
4.1.1.2. Other MAJu partner OBH capacity	66
4.1.2. Accreditation and Access to BPHN Legal Aid Funds by OBH Partners	67
4.2. Capacity of Non-Legal Aid Organization Partners	68
V. INDICATORS	72

Figure 1 Human Rights Violation Recap	23
Figure 2 Religious freedom violation data based on the structural and non structural case	24
Figure 3 GESI Policy in Partners.....	58
Figure 4 GESI Integration	60
Figure 5 GESI Focal Point	62
Figure 6 Number of Women Group Handled by MAJu Partners.....	75
Table 1 Guide of Data Collection and Analysis	17
Table 2 Informants	19
Table 3 Gender as Consideration in the Partner Organization.....	59
Table 4 Human Resource Capacity of LBH-YLBHI Offices	64
Table 5 Human Resource Capacity of each LBH-YLBHI Offices that MAJu is partnering with	65
Table 6 Accreditation and Reimbursement	68

LIST OF ABBREVIATIONS

ADD (Anggaran Dana Desa)	Village Funds Budget
APBD (Anggaran Pendapatan Belanja Daerah)	Regional Expenditure Income Budget
APH (Aparat Penegak Hukum)	Law Enforcement Officer
ARV	Antiretroviral
BAP (Berita Acara Polisi)	Police Report
BPHN (Badan Pembinaan Hukum Nasional)	National Law Development Agency
BPJS (Badan Penyelenggara Jaminan Sosial)	Social Security Agency
BUMN (Badan Usaha Milik Negara)	State-owned Enterprises
Catahu (Catatan Akhir Tahun)	Annual Report
CBO	Community Based Organization
CD4	Cluster of Differentiation 4
CSO	Civil Society Organization
DEPKES (Departemen Kesehatan)	Ministry of Health
Dinsos (Dinas Sosial)	Social Service Office
DKI (Daerah Khusus Ibukota)	Jakarta Special Capital Region
DIY (Daerah Istimewa Yogyakarta)	Yogyakarta Special Region
DPC Peradi (Dewan Pimpinan Cabang Perhimpunan Advokat Indonesia)	Branch of The Association of Indonesian Advocate
DPD (Dewan Perwakilan Daerah)	Regional Representative Council
DPRD (Dewan Perwakilan Rakyat Daerah)	Regional People's Representative Council
DPR (Dewan Perwakilan Rakyat)	House of Representative
FGD	Focus Group Discussion
FPKK	Forum Perlindungan Korban Kekerasan

GESI (Kesetaraan Gender dan Inklusi Sosial)	Gender Equity and Social Inclusion
GWL-INA	Gaya Warna Lentera Indonesia
HAM (Hak Asasi Manusia)	Human Rights
HIV	Human Immunodeficiency Virus
HR	Human Resources
IMB (Ijin Mendirikan Bangunan)	Building Permit
IMS (Infeksi Menular Seksual)	Sexually Transmitted Infection
JABODETABEK (Jakarta, Bogor, Tangerang, Bekasi)	Jakarta, Bogor, Tangerang, Bekasi
JAI (Jemaah Ahmadiyah Indonesia)	Indonesian Ahmadiyya Congregation
JALA PRT (Jaringan Nasional Advokasi Pekerja Rumah Tangga)	National Network for Advocacy for Domestic Workers
JKN (Jaminan Kesehatan Nasional)	National Health Protection
KADIN (Kamar Dagang Indonesia)	Indonesian Chamber of Commerce and Industry
KBB (Kebebasan Beragama dan Berkeyakinan)	Freedom of Religions and Beliefs
KBGO (Kekerasan Berbasis Gender Online)	Online Gender Based Violence
KDRT (Kekerasan Dalam Rumah Tangga)	Domestic Violence
Kemendagri (Kementerian Dalam Negeri)	Ministry of Internal Affairs
Kemendes (Kementerian Desa)	Ministry of Rural
Kemenkes(Kementerian Kesehatan)	Health Ministry
Kemenkumham (Kementerian Hukum dan HAM)	Ministry of Law and Human Right
Kespro (Kesehatan Reproduksi)	Reproductive Health
KIP (Kartu Indonesia Pintar)	Indonesia Smart Card
KIS (Kartu Indonesia Sehat)	Indonesian Health Card

KK (Kartu Keluarga)	Family Card
Komnas Perempuan (Komisi Nasional Perempuan)	Nation Commission on Anti GBV against Women
KS (Kekerasan Seksual)	Sexual Violence
KTP (Kartu Tanda Penduduk)	Indonesian Identity Card
KUA (Kantor Urusan Agama)	Religious Affairs Office
KUHAP (Kitab Undang-Undang Hukum Acara Pidana)	Constitution of Criminal Law
Lapas (Lembaga Pemasyarakatan)	Prison
Lakpesdam NU (Lembaga Kajian dan Pengembangan SDM Nahdatul Ulama)	Nahdlatul Ulama Human Resources Studies and Development
LBH (Lembaga Bantuan Hukum)	Legal Aid Foundation
LBH APIK (Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan)	Legal Aid Institution of Indonesian Woman Association for Justice
LBHM (Lembaga Bantuan Hukum Masyarakat)	Community legal Aid Institute
LGBT	Lesbian, Gay, Biseksual, Transgender
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
LGBTIQ	Lesbian Gay Biseual Transgender Intersex, Queer
LPA (Lembaga Perlindungan Anak)	Children Care Institution
LPSK (Lembaga Perlindungan Saksi dan Korban)	Witness and Victim Protection Agency
LSM (Lembaga Swadaya Masyarakat)	Non-governmental Organization
MA (Mahkamah Agung)	Supreme Court
MAJu	Empowering Access to Justice
MaPPI FHUI (Masyarakat Pemantau Peradilan Indonesia)	Studies and Research Institution about Judicial Advocacy the Faculty of Law University of Indonesia

MoU	Memorandum of Understanding
MPR (Majelis Permusyawaratan Rakyat)	The People's Consultative Assembly
MSM	Male Sex with Male
Musrenbang (Musyawarah Perencanaan Pembangunan)	Development Planning Forum
NGO	Non-Government Organization
OBH (Organisasi Bantuan Hukum)	Legal Aid Organization
ODHA (Orang Dengan HIV AIDS)	People living with HIV AIDS
OMS (Organisasi Masyarakat Sipil)	Civil Society Organization
OPD (Organisasi Perangkat Daerah)	Regional or Local Government Agency
OPSI (Organisasi Perubahan Sosial Indonesia)	Association of Indonesian Sex Workers
Ormas (Organisasi Kemasyarakatan)	Community Organization
Ornop (Organisasi Non-Pemerintah)	Non-governmental Organization
PBHN (Program Bantuan Hukum Nasional)	National Legal Aid Program
PBH (Pengabdian Bantuan Hukum)-YLBHI PBH (Pemberi Bantuan Hukum) - Kementerian Hukum dan HAM PBH (Pusat Bantuan Hukum) - PERADI	Legal Aid Servant Legal Aid Provider Legal Aid Centre
PERADI (Perhimpunan Advokat Indonesia)	Indonesian Advocate Association
Perda (Peraturan Daerah)	Local Regulation
Permenkes (Peraturan Menteri Kesehatan)	Health Ministry Regulation
PMKS (Penyandang Masalah Kesejahteraan Sosial)	People with social welfare problem
Polda (Kepolisian Daerah)	Provincial Police Office
Polres (Kepolisian Resort)	District Police Office
POLRI (Kepolisian Republik Indonesia)	National Police Office

PPA (Perlindungan Perempuan dan Anak)	Woman and Children Protection
PS (Pekerja Seks)	Sex Worker
PUG (Pengarus Utamaan Gender)	Gender mainstreaming
Puskesmas (Pusat Kesehatan Masyarakat)	Community Health Centre
P2TP2A (Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak)	Integrated service center of woman and children empowerment
REM	Religious and Ethnic Minority
RKUHP (Rancangan Kitab Undang-Undang Hukum Pidana)	Criminal Code Bill
RSUD (Rumah Sakit Umum Daerah)	Regional Hospital
RUU PKS (Rancangan Undang-undang Penghapusan kekerasan Seksual)	Draft Elimination of Sexual Violence Bill
RUU PRT (Rancangan Undang-undang tentang Pekerja Rumah Tangga)	Draft Constitution about Domestic Worker
Satpol PP (Satuan Polisi Pamong Praja)	Civil Service Police Unit
SDGs	Sustainable Development Goals
SDM (Sumber Daya Manusia)	Human Resources
SKT (Surat keterangan Terdaftar)	Registration letter
SKTM (Surat Keterangan Tidak Mampu)	Poor Mark Certificate
SOGIEB	Sexual Orientation and Gender Identity Expression and Body
SOP	Standard Operational Procedure
SRAN KPAN (Strategi dan Rencana Aksi Nasional Penanggulangan AIDS Nasional)	National Strategic Action Plan of National Commission for AIDS Prevention
SW/FSW	Sex Worker (Female Sex Worker)
TAF	The Asia Foundation
ToT	Training of Trainers
UMR (Upah Minimum Regional)	Regional Minimum Wages
UPTD (Unit Pelaksana Teknis Daerah)	Regional Technical Implementation Unit

UU (Undang-undang)	Constitution
UU ITE (Undang-Undang Informasi dan Transaksi Elektronik)	Electronic Information and Transaction Law
UU KtP (Undang-undang Kekerasan terhadap Perempuan)	Law of Violence Against Woman
UU MD3 (Undang-Undang tentang MPR, DPR, DPRD dan DPD)	The People's Consultative Assembly, House of Representative, Regional People's Representative, Regional Representative of Law
UU PKDRT (Undang-Undang Pencegahan Kekerasan Dalam Rumah Tangga)	Law of Domestic Violence Prevention
WPS (Wanita Pekerja Seks)	Female Sex Worker (FSW)
YLBHI (Yayasan Lembaga Bantuan Hukum Indonesia)	Indonesia Legal Aid Foundation

EXECUTIVE SUMMARY

Evaluation Purpose and Evaluation Questions

The results of this activity were presented to TAF, MAJu grantee partners, and USAID. For MAJu, this activity is intended as a learning tool, both for TAF as the implementing organization, and MAJu's partners, to see how far the approaches and strategies used are effective in increasing access to justice for MAJu target groups and how this is felt by the assisted communities. Other things that include good practice are things that can be learned in the future, opportunities that need to be followed up in the future. At the donor level, this document can provide a sufficient picture to describe program achievements, determine gaps, what activities can be replicated or continue to support in the future, either through the MAJu program or outside the MAJu program.

The Endline study component is focusing on assessing the extent to which MAJu program contributes to the improved conditions and situation of access to justice, and the increased of capacity of program partners. Endline uses tools that were previously developed for data collection at the baseline stage.

Project Background

MAJu (eMpowering Access to Justice), is a five-year program implemented by The Asia Foundation in Indonesia with the support of the United States Agency for International Development (USAID), aimed at enhancing ability of marginalized citizens to access justice, and the capacity of the Government of Indonesia (GOI) to protect their rights. The MAJu program started in March 2016 and ended in September 2021, with most of the partnerships with partners ended in late 2020, and few partners get partnership extension up to mid 2021.

MAJu cooperates with civil society, state and quasi-state institutions in increasing access to justice and protecting the rights of vulnerable groups in society, through three components, namely: 1) Increasing access to justice for the poor and marginalized people; 2) Strengthening ability of GOI and state-auxiliary bodies to protect citizen rights via evidence-based decision making; and 3) Improving enabling environment for CSOs to effectively promote protection of citizen rights.

Evaluation questions, Design, Methods and Limitations

MAJu prepared key questions for endline evaluation and study, as follows: (1) How do MAJu partners address the challenges of gender integration and social inclusion in program implementation? (2) What adaptation strategy that MAJu partners carried out to work with or address MAJu target groups? (3) How relevant is the MAJu program to address the challenges of access to justice in the field? (4). How can changes that occur on the field be attributed to the program? (5) What legacy from MAJu will benefit partners and communities in the future?

The endline study uses an access to justice framework. Access to justice uses 6 main themes as a framework. First, the clarity of the legal framework. Second, the role and dynamics of gender in marginalized communities. Third, awareness and knowledge of marginalized communities about procedures and mechanisms to access justice, both formal and informally. Fourth, mechanisms and institutions to access justice. Fifth, the barriers to accessing justice and submitting complaints such as barriers for vulnerable and minority groups to use these mechanisms. Sixth, the marginal community's perception of the existing system of access to justice. The gender perspective is integrated by considering the role and dynamics of gender in the community, as well as the availability, accessibility, and quality of different mechanisms and procedures for access to justice by women and men as well as gender and sexual minority people.

The Endline study mainly uses qualitative methods, namely (a) document study, (b) in-depth interviews, (c) FGD, and (d) story of changes. This endline also uses mix qualitative and quantitative method using GESI survey. This endline study began in August 2020 to August 2021. This endline study lasted in one year to adapt to COVID19 situation as well as six-month MAJu extension to September 2021. The main data collection was carried out in October-November 2020. In April-June 2021, additional data was collected to adjust to the increase the scope of Several findings in 2020 has been changed in 2021, and therefore, the consultant has attempted to re-confirm with partners to adjust and update the findings based on the latest context of the program.

To adapt to the pandemic situation, this endline study changed data collection method from direct observation by field visits (as in the baseline) to data collection through interviews/FGDs and surveys using information technology instruments such as telephone, WhatsApp, Zoom and Microsoft Form. The changes in the community level was captured through interviews with program managers, paralegals and also media reviews regarding the community situation. To overcome the problem of data accuracy, the consultant strengthens document review, both through media studies, reports from national institutions and reviewing program documents which include partner reports, partner publications and partner activities documented in printed and online media.

Findings And conclusions

A total of 17,706 groups and individuals were assisted by MAJu partners during the five years of the program, with the following details: 139 REM; 481 LGBT and LGBT-HIV as many as 1327; 5743 cases of women and 4 women-HIV; IP as much as 754 and 9242 for slices of target groups and others.

In the last three years, the situation of respect, protection and fulfillment of the rights of religious and ethnic minority groups in MAJu's target provinces is started to show improvement. The number of violations of freedom of religion and belief (Kebebasan Beragama dan Berkeyakinan/ KBB) as recorded by 5 LAOs in 5 MAJu provinces in Java declining¹. The improved situation in 5 MAJu provinces is contributed by the active and increased capacity of paralegals and the victim communities to defend their rights, and also by some initiatives done by CSO and target groups at the local level in promoting freedom of religion/belief. Their capacities to handle cases

¹ Recap data from LAOs in Java annual recap, in 2018: 30 cases, 2019: 19 cases, 2020: 1 case freedom of religion and belief

of religion-based violence has progressed which proven by their effort in building advocacy network to advocate their rights with their own internal groups as well as with external group such as CSO networks.

However, structural barriers that violate religious freedom of religious ethnic minority groups remain exist, such as Joint Regulation of the Two-Ministers concerning Requirements for the Establishment of Houses of Worship No. 9 and 8/2006; The Decree of the Three Ministers No. 3/2008 to stop the spread of interpretations and activities that deviate from the main teachings of Islam. Although the social acceptance is begin to emerge toward the REM communities as shown by JAI in Tasikmalaya, GBI in Semarang, but the process of restriction of the activities of Christian, Syiah and JAI in other areas in Java still exists.

Due to COVID-19 pandemic, in 6 MAJu's provinces, the number of reported cases of violence and type of violence against women (VAW) received by MAJu partners in the last 3 years has increased. During the pandemic, the country has experienced a decline in service capacity for victims, some services for victims were closed or became more restrictive for victim to access. To address the situation, MAJu partners expanded the complaint mechanism and case assistance services to online services (WhatsApp, hotline services and twitter). Several initiatives collaborated by the government with paralegals and CSOs such as P2TP2A and FPKK can actually be a safety space for women seeking justice. In some communities such as groups of women from REM and indigenous people have begun to build a critical attitude and take on a role to speak out on behalf of their group. It is also marked by an increase in the participation of women as paralegals.

The violence in private domain also increased during the pandemic. All MAJu LAO partners received complaints and provided case assistance to victim of violence in private domain. This private domain violence includes multiple violence against the victim's wife/partner and/or children. Sexual-Gender-based online/cyber violence (SGBOV)(Kekerasan Berbasis Gender Online (KBGO) during pandemic Covid-19 has increased significantly. The absence of a strong legal system as a reference for handling cases of sexual violence (as proposed in the Sexual Violence Bill) have resulted in neglection of victim's case report by the police officer. In other hand, some of the survivor's personal responses such as publish the cases in the social media has backfired them because the perpetrator reports them with the violation of ITE Law.

Barriers to access to demographic identities such as Identity Numbers (Nomor Induk Kependudukan/ NIK), Family Cards (Kartu Keluarga/ KK) and Identity Cards (Kartu Tanda Penduduk/ KTP) are classic barriers for LGBT groups in Indonesia. There has been progress in government policies to provide a legal identity for the LGBT community. In November 2019, the Minister of Home Affairs released Regulation of the Minister of Home Affairs Number 96 of 2019 concerning Population Data Collection and Issuance of Population Documents for Vulnerable Residents of Population Administration. This regulation then became the basis for the Ministry of Home Affairs to implement a recording program and electronic ID cards for transgender groups since around April 2021. Perkumpulan Suara Kita, one of MAJu's partners has taken advantage of this program by facilitating a number of transwomen to record electronic ID cards according to their desired gender expression.

In addition to increasing knowledge in general, there is an increase in the quantity as well as the quality of legal assistance and assistance service providers for the LGBT community in several MAJu partner organizations. Among them, the addition of connectors, paralegals and companions for the LGBT community in the Sahabat Kita paralegal community formed by the Suara Kita Association. *Second*, the establishment of the Legal Aid Forum for Equality (Forum Bantuan Hukum Untuk Kesetaraan/ FBHUK) in 2018 which provides legal assistance services by paralegals and advocates who are also members of the LGBT community.

Although in some places there has been an increase in the capacity of the LGBT community to access justice or redress the violations they have experienced, it is rare that cases of persecution, violence or criminalization against the LGBTI groups would result complete restoration of their rights. The closest mechanism to access justice for the LGBT community is through non-litigation channels. Therefore, most members of the LGBT community are quite satisfied if they can avoid potential criminalization or further persecution, without expecting a court decision granting restitution, rehabilitation or compensation for the violation of their rights. This failure to access formal justice is still happening.

The human rights violations of indigenous peoples in Papua identified in the baseline report are the right to participate in development, the right to express in open public spaces, the right to information, the right to land, the right to a healthy environment. Some rights violations continue to occur. However, some of these human rights issues have received responses and resistance from indigenous peoples. Human rights violations also continue to occur in Papua. Until April 2020, LBH Papua succeeded in identifying 10 human rights violations, of which 7 were related to civil and political rights and 3 related to economic and social rights. In fact, human rights violations are still continuing, generally related to security issues and violations of civil and political rights.

Efforts made by indigenous peoples with paralegals and MAJu partners to question the transparency of information. The improvement in the situation of indigenous peoples occurs because of their increased awareness of structural issues and the importance of resolving them through legal/formal mechanisms. However, the poor justice situation of indigenous peoples is an indication that both the government and business have not respected and respected the rights of indigenous peoples by improving governance.

The community's capacity to access justice has increased significantly, indicated by two things. First, the increasing number and capacity of paralegals. Second, the increasing awareness of the community regarding the resolution of justice problems through formal/legal structural mechanisms. Prior to the assistance provided by ALDP and LBH Papua, the community's understanding of rights tended to be normative from the perspective of customary law, including the rules of customary/ulayat land tenure and boundaries and customary dispute resolution. After the assistance, the community realized that the entry of business groups and the country's development agenda could potentially pose a threat to the loss of their living space. Communities are starting to realize the importance of accessing solutions to legal structural systems or mechanisms.

Mechanisms for accessing justice in MAJu's work areas have undergone significant changes. MAJu baseline in 2016 found nothing about paralegal role in advocating injustices, however in the endline, there are already paralegals who have the capacity to advocate various social issues including conducting community mediation to address various cases ranging from ID cards to public services, child delinquency and petit crimes.

The 2016 MAJu baseline report found that the community considered justice issue such as GBV, daily crime and land grabbing as an internal problem. Therefore, the solution adopted is an inward looking model, which is using informal mechanism or the customary law mechanism owned by the community. However, after legal awareness and assistance process conducted during MAJu, there is increasing understanding of structural causes of injustices that needs structural solution (outward looking). There is a change in people's perception of justice, generally showing an increased sense of justice. This improvement in perception was contributed by the village paralegals who opened up public access to legal and justice information. The existence of village paralegals along with LBH Papua and ALDP opens space to fight for justice for everyday problems as well as structural justice issues.

The improvement of the target group's capacity is strongly supported by at least two factors from MAJu: 1) increased number and capacity for community-based paralegals who bridge access to justice at the grassroots level. The number of paralegals trained by MAJu is 716 paralegals. Of these, there were 316 female paralegals, 338 male paralegals, and 62 paralegals from gender and sexual minorities. Community-based paralegals come from MAJu target groups. 2) MAJu strategies to bring together paralegals from various marginalized/minority groups have offered solidarity among them and supports each other. This cohesion space has been encouraged by MAJu since paralegal training involving trainees from various target communities at once and this has forced them to know and learn from each other. The existence of these social inclusion champions opens a wider space for mutual respect and acceptance between different target groups. Challenges coming from conservative groups, oligarchs and anti-democratic groups will continue to exist, therefore it is important for CSOs and LAOs to continue working with networks of paralegals.

I. INTRODUCTION

I.1. Background

MAJu (eMpowering Access to Justice), is a five-year program implemented by The Asia Foundation in Indonesia with the support of the United States Agency for International Development (USAID), aimed at enhancing ability of marginalized citizens to access justice, and the capacity of the Government of Indonesia (GOI) to protect their rights. The MAJu program started in March 2016 and ended in September 2021, with most of the partnerships with partners ended in late 2020, and few partners get partnership extension up to mid 2021.

MAJu cooperates with civil society, state and quasi-state institutions in increasing access to justice and protecting the rights of vulnerable groups in society, through three components, namely: : 1) Increasing access to justice for the poor and marginalized people; 2) Strengthening ability of GOI and state-auxiliary bodies to protect citizen rights via evidence-based decision making; and 3) Improving enabling environment for CSOs to effectively promote protection of citizen rights.

MAJu conducted endline studies and final program evaluations to gather changes, results, and impacts created and/or contributed by the MAJu program to MAJu target groups and other beneficiaries, especially those carried out in collaboration with civil society partners.

I.2. Targets, Objectives and Deliverables

The documents resulting from this activity were presented to TAF, MAJU grantee partners, and USAID. For MAJU, this activity is intended as a learning tool. For TAF as the implementing organization, and MAJU's partners to see how far the approaches and strategies are effective in increasing access to justice. For MAJU target groups and how this is felt by the assisted communities. The other things include good practices that can be learned in the future, and what opportunities need to be followed up. At the donor level, the document can provide a sufficient picture to describe program achievements, determine gaps, activities that can be replicated or continue to be supported in the future, either through the MAJu program or not.

The Endline study component is focused on assessing the extent of which conditions and situations of access to justice have improved, and the capacity of program partners has increased due to the MAJU program. Endline uses tools that were previously developed for data collection at the baseline stage, especially related to increasing the capacity of CSOs in: (a) working on access to justice issues; (b) integrate gender and social inclusion in their institutions or programmes.

The output of this activity is the Endline Report document focusing on recording the capacity of partners and their communities.

I.3. Endline Questions

MAJu prepared key questions for endline evaluation and study, as follows:

1. How do MAJu partners address the challenges of gender integration and social inclusion in program implementation?
2. What interventions have MAJu partners carried out as an adaptation of the approach to MAJu target groups?
3. How relevant is the MAJu program to address the challenges of access to justice in the field?
4. How can changes that occur on the field be attributed to the program?
5. What legacy from MAJu will benefit partners and communities in the future?

1.4. Methodology

The endline study uses an access to justice framework. Access to justice uses 6 main themes as a framework. First, the clarity of the legal framework. Second, the role and dynamics of gender in marginalized communities. Third, awareness and knowledge of marginalized communities about procedures and mechanisms to access justice, both formal and informally. Fourth, mechanisms and institutions to access justice. Fifth, the barriers to accessing justice and submitting complaints such as barriers for vulnerable and minority groups to use these mechanisms. Sixth, the marginal community's perception of the existing system of access to justice. The gender perspective is integrated by considering the role and dynamics of gender in the community, as well as the availability, accessibility, and quality of different mechanisms and procedures for access to justice by women and men as well as gender and sexual minority people.

1.4.1. Frameworks

The following frameworks are used as a guide for collecting data and analyzing the results of the endline study.

Table 1 Guide of Data Collection and Analysis

Key topic	Endline study
Situation/problem faced	<ul style="list-style-type: none"> ● How is the access to justice situation of the assisted groups? ● What violations of rights do they often get? What rights are often violated? ● What form of marginalization do they get? ● What is the legal framework for each issue of access to justice from marginalized groups?
Program objectives and strategies	<ul style="list-style-type: none"> ● What mechanisms are commonly used by marginalized groups to fight for their rights? ● Are the mechanisms suited to their internal capacities?
Gender issues	<ul style="list-style-type: none"> ● What are the different gender roles and dynamics in addressing the issue of access to justice? ● Does the agency already have the capacity for GESI integration - Is there an improvement from the baseline study?

Achievements	<p>How is the capacity of CSOs before and after the program in the following areas:</p> <ul style="list-style-type: none"> ● Spirit/ NGO vision and mission ● Ability to engage with stakeholders. ● Communication skills. ● Advocacy skills. ● Ability to analyze and integrate gender in programs.
Coordination/ stakeholders	<ul style="list-style-type: none"> ● Organizations/stakeholders that work together on access to justice issues. ● Marginalized group strategy to cooperate or collaborate. ● Support provided. ● Challenges and opportunities to fight for access to justice.
Impacts	<ul style="list-style-type: none"> ● Perceptions of assisted communities about changes and improvements in access to justice that they felt before, during, or after the program.

1.4.2. Data Collection Method

The Endline study mainly uses qualitative methods, namely (a) document study, (b) in-depth interviews, (c) FGD, and (d) story of changes.

a. Document Study

Document study is one of the important methods in the Endline. Many information about project achievements and changes/outcomes can be traced from the Program reports. Therefore, MAJu and its partners are expected to share all project documents with the consultants so that they can carry out a preliminary assessment on identifying project progress: Before or at the start of the project vs during and at the end of the project. The document review uses the following guidelines to be more detailed and comprehensive.

b. In-depth interviews/ individual interviews and group interviews

Individual/group interviews aim to explore/discuss the approach, dynamics and achievements of the program during the program period, as well as the final condition of the project for the benefit of the endline study. Due to the current COVID-19 situation, these individual/group interviews are conducted online (not face-to-face). The consultants conduct in-depth interviews by telephone/digital device and/or zoom on key program topics following the question guide for the study endline. Individual/group interview informants are key personnel in program partners and peer-group NGOs/CSOs working on Access to Justice issues. There are 3-6 resource persons from program partners per program partner with the following details:

Table 2 Informants

Key Informant	Quantity
Director and/or Program Manager	1-2 person
Field Coordinator and/or Program Staff and/or Field Organizer	1-5 person
Treasurer/Finance Staff Staffing	1-3 person

Since it was not possible to do it offline, the FGDs turned into online group interviews using Zoom. These group interviews aim to capture the progress of the program and its achievements, intra-subjectively or collectively. This is important to deepen the quality and quantity of information as well as to triangulate the data that has been collected previously. The topics discussed are:

- *Program progress in implementation and program achievements.* Group discussions were used to further explore the progress and achievements of the program in various aspects based on the results of document reviews and in-depth interviews that had been conducted online, both related to endline results and evaluations. The consultant used the results of previous studies to facilitate discussion results, even though they did not present them.
- *Governance, management and internal organizational issues:* discussing organizational management, 7S McKinsey, as well as ensuring sufficient information from partners regarding progress as well as achieving gender integration.
- *Organizational strategies and good practices in program implementation:* In accordance with the MAJu TOR, this endline activity specifically documents good practices as well as different strategies from the MAJu program - in the implementation of the Access to Justice program, compared to other organizations that also work in Access to Justice.

c. Gender and Social Inclusion assessment (GESI) survey

This survey was conducted on-line using the Microsoft Form survey application. Each organization sends at least 4 respondents to fill out the survey questionnaire. The respondents are team members or project staff who have been involved in the baseline study. However, there is one organization that involves paralegal as respondent.

The GESI questionnaire is intended to assess the progress of the integration of the two aspects above in governance programs and organizational practices that have been involved in the baseline study. The survey questionnaire was prepared based on the questions in the study baseline and the questions developed regarding inclusion practices in the organization.

- Policy on GESI.
- Interest in GESI issues.
- Pro-gender staffing and social inclusion.
- Gender-fair practices and inclusion in organizations, as well as the provision of legal aid.

d. Story of change

The story of change aims to see the 'sign' of change, its form and level, as well as its patterns, through the SUCCESS STORIES of the program. The stories indicate “best practices and outcomes” of the program. Samples were taken from two main targets of the program, namely: (a) paralegals, community facilitators, community organizers or the like and assisted communities (women, men and other/non binary).

1.4.3. Processing and reporting

a. Workshop for collected Data/Information Analysis

This activity aims to develop an analytical framework that can be used by each consultant to analyze and prepare program reports. The workshop was carried out in several phases using the zoom conference application. The workshop agreed on an outline for the endline report, as well as the division of work between the consultants in processing and writing data as well as the basic findings of this endline study.

b. Reporting

The endline study report is prepared by each consultant in accordance with the agreed division of tasks (activity above) and follows the outline that has been discussed.

c. Presentation of Endline Study results

The presentation of the study results was carried out in June 2021 via the zoom application. This presentation aims to confirm MAJu's findings, input and general review of the endline findings as well as a consultant's position statement in formulating MAJu's legacy that can be used as the basis for formulating future programs.

1.4.4. Sampling

The endline activity of this program includes all 15 institutions MAJu Program Partners who have conducted baseline studies. Communities assisted by partners interviewed in this endline study were selected by considering the assistance of partners and the availability of paralegals who provide community assistance.

Baseline Batch 1

1. ALDP Jayapura
2. LBH Bandung
3. LBH Jakarta Pusat
4. LBH Papua Jayapura
5. LBH Semarang
6. LBH Surabaya
7. LBH Yogyakarta
8. YAPPIKA Jakarta Timur

Baseline Batch 2

1. GWL INA Jakarta Selatan
2. LBH APIK Jakarta Timur
3. LBH Masyarakat Jakarta Selatan

4. Peradi Tasikmalaya
5. PSK Jakarta Selatan
6. Rifka Annisa Yogyakarta
7. YLBHI Jakarta Pusat

1.5. Endline Study Implementation Time

This endline study began in August 2020 to August 2021. The main data collection was carried out in October-November 2020. In April-June 2021, additional data was collected to adjust to the increase in the consultant scope of work.

1.6. Limitations

This endline study lasted in one year to adapt to COVID19 situation as well as six-month MAJu extension to September 2021. The main data collection was carried out in October-November 2020. In April-June 2021, additional data was collected to adjust to the increase of the consultant scope of work. Several findings in 2020 has been changed in 2021, and therefore, the consultant has attempted to re-confirm with partners to adjust and update the findings based on the latest context of the program.

This endline study also received additional time and adjustment to the scope of evaluation which were added in the middle of the research. However, this endline study does not include some additional activities that are still being carried out by several partners (LBH APIK, Rifka Anissa, LBH Papua and ALDP) when data collection has been completed.

To mitigate the pandemic situation, this endline study underwent a change in the data collection method from direct data collection through field visits to data collection through interviews/FGDs and surveys using information technology instruments such as telephone, WhatsApp, Zoom and Microsoft Form. The limitation of this study is that it did not make direct observations in the same community as the baseline. Changes in the community situation are tried to be captured through interviews with program managers, paralegals and also media reviews regarding the community situation. To overcome the problem of data accuracy, the consultant strengthens document review, both through media studies, reports from national institutions and reviewing program documents which include partner reports, partner publications and partner activities documented in printed and online media.

MAJu program started in March 2016 and ended in September 2021. Most collaborations with partners ended in mid and late 2020, while some other collaborations with partners were extended until early and mid 2021. As an important part of the Monitoring, Evaluation and Learning framework, MAJu conducts endline studies as well as final program evaluations to collect changes, results, and impacts made and/or contributed by the MAJu program for beneficiaries, especially those in collaboration with civil society partners.

Disclaimer: The quantitative data in this endline report is taken from the MAJu program monitoring and evaluation dataset (MAJu MEL). The data received from the program has undergone a clarification process with MAJu, as well as triangulation both to MAJu report documents and MAJu partners. The M&E dataset in this report has undergone a data cleaning and processing process to be presented according to reporting needs. The dataset presented is continuously updated until the end of the program period.

II. ACCESS TO JUSTICE SITUATIONS IN MARGINAL COMMUNITIES

2.1. Access to Justice for Religious and Ethnic Minorities

2.1.1. Human Rights Issues and Violence Against Religious Minorities

The situation of respect, protection and fulfillment of the rights of religious and ethnic minority groups has begun to show improvement in the last 3 years. The number of cases of violence and violations of freedom of religion and belief (Kebebasan Beragama dan Berkeyakinan/ KBB) shows a decline although it still occurs. In East Java, for example, the number of human rights and KBB violations fell from 11 cases in 2017 to 4 cases in 2018 and only 1 case in 2019 and 0 cases in 2020.² In Central Java, there were 9 cases of violations in 2018, down to 4 cases in 2019, and only 1 case in 2020 which was a continuation of the same case in 2019. In Jabodetabek,

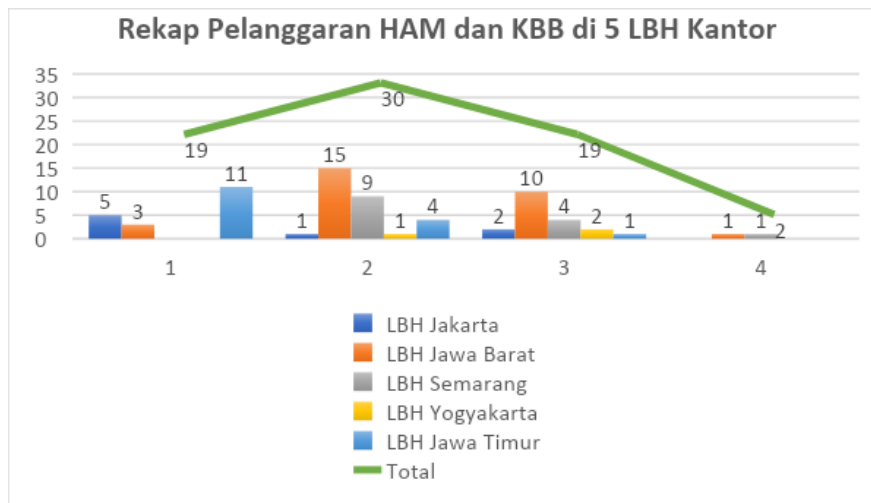


Figure 1 Human Rights Violation Recap

cases of KBB violations were very small: 5 in 2017, 1 in 2018, 2 in 2019 and 0 in 2020.³ Likewise in DI

Yogyakarta, respectively: 0 in 2017, 1 in 2018, 2 in 2019 and 0 in 2020.⁴ In West Java, the number of cases of human rights violations and KBB fluctuates, although it shows a downward trend: 5 in 2017, increasing to 15 in

2018, down to 10 in 2019 and 0 in 2020.⁵

At the national level the Human Rights Performance Index 2019⁶ issued by SETARA Institute related to KBB issues shows the same trend. The KBB performance index is still low at 2.4 on a scale of 7, and lower than the average human rights index, which is 3.2⁷. But the score is

² Annual Note LBH Surabaya 2017, 2018, 2019, 2020

³ Annual Note LBH Jakarta, 2017, 2018, 2019, 2020

⁴ Annual Note LBH Bandung 2017, 2018, 2019, 2020

⁵ Annual Note LBH Yogyakarta 2018, 2019, 2020

⁶Setara Institute, 2019, Ringkasan Laporan Indeks Kinerja HAM 2015-2019 SETARA Institute for Democracy and Peace Jakarta, 10 Desember 2019 <https://setara-institute.org/indeks-kinerja-ham-2019/2020>

⁷ A score of 1 indicates the lowest value of fulfillment, respect and protection and 7 is the highest score.

improving, slightly increasing (+0.1) to 2.5 in 2020, while the overall average human rights score is 2.9. This is the only KBB index that has improved from all the human rights indexes surveyed by the SETARA Institute. This improvement is mainly due to initiatives at the local level in promoting freedom of religion/belief and the central government's initiative to revise discriminatory regulations regarding the establishment of places of worship, textbooks, and the government's firm stance to crack down on intolerant groups.⁸ This is also due to the efforts of civil society and the victim communities themselves to defend their rights.

KBB cases vary, some are structural and non-structural. Structural ones are carried out by state or semi-state actors, such as the government, bureaucratic apparatus, law enforcement officer (police, prosecutors, judges), and FKUB (Interfaith Agency for Religious Harmony). This is done through several things, such as: (a) Blocking permits to build places of worship; (b) sealing, destroying, and demolishing places of worship; (c) prohibition of religious activities (d) discrimination in ID card services and public services (e) Circular letter prohibiting the installation of nameplates (f) obligation to attend certain religious lessons in schools that may be different from own belief (g) Prohibition of burial/blasphemy of graves of religious minorities in cemeteries general (h) repressive actions by law enforcement officers such as the police against the religious activities of certain religious minority groups.

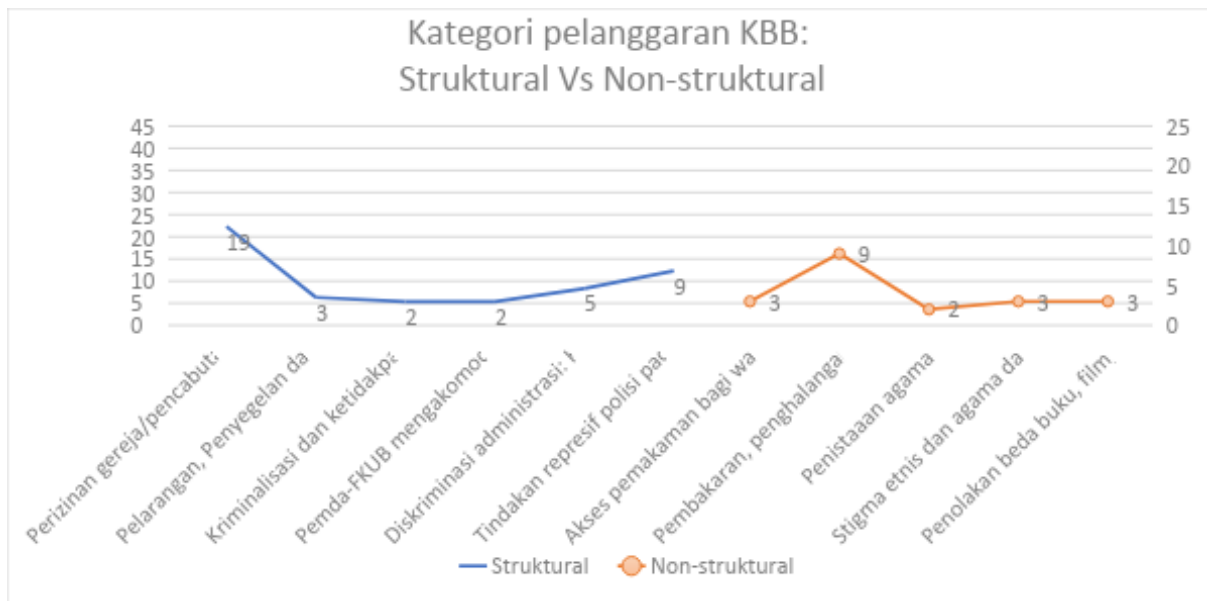


Figure 2 Religious freedom violation data based on the structural and non structural case

Non-structural cases or can be categorized as intolerant attitudes are carried out by intolerant non-state actors, who politicize issues of religious diversity for certain political and economic interests, and often cooperate or received support behind closed doors by structural actors. Examples include the burning of houses of worship, criminalization of congregations,

⁸ Ibid

obstruction of worship, intimidation, disobedience to court decisions, rejection of funerals for religious/ethnic minorities in public cemeteries, blasphemy, stigma and stereotypes against certain religions, forced disbandment of different book events or watching movies together and installation banners by minority religious groups.

As shown in the diagram above,⁹ the number of cases of structural violations is twice as high as that of non-structural cases. This shows that the state is still the main actor in cases of human rights and KBB violations in Indonesia. In addition to the politicization of religious life for economic and political interests, as well as aggression from intolerant groups, the main triggers of violations of human rights and KBB are generally due to discriminatory regulations, policies and implementation by the State Civil Apparatus (Aparatur Sipil Negara/ ASN) and Law Enforcement Apparatus (Aparat Penegak Hukum/ APH) and institutions with legal authority such as the FKUB, KUA, and others.¹⁰

2.1.2. The Role of Women and Gender Dynamics in Religious and Ethnic Minority Communities

The attitudes and roles of women in religious minority communities (JAI, Shia, GBI, Evangelical Church of Tanah Jawa, Jeparu, Kria Sidoarjo Church) in dealing with human rights violations and KBB are different. Some are aware and active, but some other are passive and less supportive. At the beginning of the program, women's public roles of minorities group were rather difficult to emerge. This is due to the fact that organizational structure of the religious communities are dominated by men and does not give women a place.

The resolution of KKB cases mostly uses a third party as a mediator, in collaboration with the religious organizations board member. (the case of GBI Tlogosari, the Evangelical Church of Tanah Jawa Jeparu, the establishment of a Christian Church in Kria District, Sidoarjo, Jawi Wetan Christian Church, Sidomulyo Yogyakarta, etc). As most religious organization boards are generally men, women are not very visible in the lobbying and mediation process with third parties, at least the role of women involved in meetings with third parties is still minimal.

However, the situation has begun to change somewhat in the last 3 years, especially in women's strategies to strengthen their sense of security in facing intimidation or other threats they are facing. In the case of GBI Tlogosari advocacy, the women's congregation has increased their communication and relation with women's groups from other religions, such as women from Nahdlatul Ulama, and Sisters from the Monastery, who have shown the great solidarity regarding the refusal of permits to build their houses of worship.

In the JAI Tasikmalaya, the women's community has often held recitations in their village that involving the non-JAI women community and invited tolerant kiyai. This increases sense of

⁹Data was recapitulated from Annual Notes of LBH Surabaya, LBH Bandung, LBH Semarang and LBH Yogyakarta, as well as the 2020 Komnas HAM Human Rights Situation Report.

¹⁰ Ibid.

belonging between them and the non-JAI women community, advancing a more positive interaction among them and in turn helps in bridging the distance and social segregation that has occurred so far. In the last 2-3 years, there are already some critical women who join and active as paralegals for their community. They actively doing internal advocacy to make their community aware of their rights, and at the same time open more space for dialougue with mainstream community. They also went to the excluder group to negotiate the issue of the sealed mosque and the issue of persecution.

2.1.3. Community Capacity

The capacity of MAJU's partner communities to handle cases of religion-based violence has progressed. If at the beginning of the program they lived in silence and tended to close themselves to external supports, now they are starting to open themselves for support from CSOs or other external parties, and build their own advocacy networks for defense and seeking solutions to the problems they face, both internally and externally.

In the Shia community, the role of various supporting NGOs/CSOs such as Cmars, the Gusdurian group, and LBH Surabaya keeps continued. However, they also have their own young leaders who are active in collaborating with tolerant CSO and religious groups, to handle the cases of violence against them.

In the JAI community, the role of the youth community has steadily progressed, as they began to engage in paralegal activities as well as in the Village Legal Aid Post (Pos Bantuan Hukum/ Posbankum) to discuss legal issues and handle cases that arose. Previously, DPC Peradi Tasikmalaya and several CSOs took a lead role in handling the Ahmadiyya communities cases, but now it is their youth groups who playing the lead role and become frontliners in handling those cases. JAI paralegals in West Java, have a good communication network with the JAI community outside their area of residence, so that in cases that befall the JAI community they can immediately respond and get support from other paralegals, LBH offices and YLBHI, as well as national advocacy networks. Not surprisingly some initiatives of JAI residents to fight for their rights such as taking care of marriage licenses in the village and letters of recommendation from P3N have already begun to be seen.

In the minority communities' church (GBI Tlogosari, Semarang, Tanah Jawa Jepara Evangelical Church, Kria Christian Church, Sidoarjo, Jawi Wetan Christian Church, Sidomulyo Yogyakarta), the cases of KBB are generally handled by church boards in collaboration with third parties as mediators or companions. However, the involvement of internal congregation members is strong, both in seeking support from the surrounding community (such as collecting signatures for church building permits from the community) and in garnering sympathy and participation from other civil society and pluralist community leaders. The congregation of GBI Tlogosari, Semarang, for example, actively garnered support from the surrounding community

where the church was built and networked with CSO networks, such as the Interfaith Brotherhood (Pelita), raising public concern about their case. The Jeparo Tanah Jawa Evangelical Church, the Christian Church in Kria District, Sidoarjo, the Jawi Wetan Christian Church, Sidomulyo Yogyakarta also did the same thing. They are solid in pushing for a peaceful settlement through mediation with the dissidents while seeking support from CSOs or pluralist groups. This shows good organizational capacity and networking with other parties.

2.1.4. Organizational Mechanisms to Address Injustice

Cases of human rights violations and KBB are resolved using different strategies, depending on the internal capacity of the residents and the context of the cases they face. The JAI community in Tasikmalaya is currently quite solid and integrated into village conflict resolution institutions such as Posbakum. They resolve their cases directly by representatives of the JAI community through dialogue and negotiations at the local level. In the past, the JAI community relied heavily on outside assistance, such as from the DPC Peradi and Lakpesdam NU. Currently they have internal actors to handle it, such as JAI members who have become paralegals. Support from the CSO network and the press is of course still needed. However, they are much more open, articulate, and no longer closed and hiding with their fears, as they were before 2017-2018. At that time, resistance to advocacy did not only come from mainstream citizens, but also from Ahmadiyah members, especially from the early generation (older). They tend to be passive in responding to support from DPC Peradi. The reason is theological: no matter how bad JAI is treated, they don't need to fight back, in accordance with their motto "love for all hate for none". What they hope is that JAI can collaborate with mainstream groups. As in the case of marriage, the initiators actually feel comfortable if they move to another village that can accept marriage registrations for JAI residents. This becomes a barrier for fellow advocates, especially young people.

Meanwhile, the Shia communities in Sidoarjo and Bangil, Pasuruan, tend to resolve their KBB cases in a dialogical manner through trusted figures and the help of CSO actors such as LBH Surabaya, Cmars, the Gusdurian network, and the East Java Democratic Alliance which already formed. With support from LBH Surabaya they use a moderate approach such as lobbying and dialogue with Pasuruan Regency Government Agencies in charge for religious issues, such as the Pasuruan Regency National Unity and Political Agency (Badan Kesatuan Bangsa dan Politik/ Bakesbangpol), the Pasuruan Regency Legal Department, the Social Service and the Pasuruan Regency Regional Disaster Management Agency (BPBD) to build the correct understanding in the community about the practice of their religious life. Together with the Pasuruan Religious Harmony Forum (Forum Kerukunan Umat Beragama/ FKUB), Lakpesdam NU Pasuruan, GP Anshor Bangil, Pasuruan WCC, Pasuruan Child Protection Institute, Stapa Center and the youth organization Central Study Activist Pasuruan, they urged the government to provide protection for the Shia community in Pasuruan.

Minority church communities generally rely on their internal structures, while building networks and support from other stakeholders. In Semarang, the GBI Tlogosari congregation asked LBH Semarang for assistance to assist them in the mediation process, as well as support from pro-pluralist community groups, such as the Interfaith Brotherhood (Persaudaraan Lintas Agama/Pelita). The GBPI Sedayu and GBPI Klasis Gunung Kidul congregations, Yogyakarta, did the same thing. They build support from the KBB network in Yogyakarta where there are LBH Yogyakarta, LKIS, Srikandi Lintas Iman, Pusham UII, MBTI and the Gusdurian network. They are important partners in KBB issues both in Sedayu and Gunung Kidul who share role in addressing the religious minority problems.

2.1.5. Barriers

Structural barriers such as Joint Regulation of the 2 Ministers concerning Requirements for the Establishment of Houses of Worship No. 9 and 8/2006; The Decree of the Three Ministers No. 3/2008 to stop the spread of interpretations and activities that deviate from the main teachings of Islam,¹¹ remains exist. In the province of East Java, such as: Governor's Regulation on Heresies No. 55/2012, which states that the state has the authority to determine which groups are considered heretical, based on the highly biased and one-sided MUI fatwa¹². The Governor's Decree No.12/2011, which prohibits broadcasting and the use of Ahmadiyah attributes in public spaces has not been revoked and is still in effect. Besides that, the Coordinating Board for Supervision of Community Beliefs (Badan Koordinasi Pengawasan Aliran Kepercayaan Masyarakat/ Bakor Pakem) which was formed through the Attorney General's Decree No. KEP-108/JA/5/1984 based on Law No. 1/PNPS/1965, still exists. In fact, many of the recommendations of this Agency do not respect freedom of religion and belief towards minority groups and local religions and the imprisonment of their figures, such as the cases of the imprisonment of Lia Eden & Rahmat Eden, Ahmad Mussadeq, Mahful Muis, Andri (ex – Gafatar), Dr. Otto in Makassar, Alnoldy Bahari – Ki Ngawur (Pandeglang).

Social acceptance as seen in the interaction and involvement of the JAI community in mainstream religious and social activities in Tasikmalaya has begun to improve. But the process of stigmatizing Ahmadiyah as a deviant sect, a minority religious group still exists in other areas. In East Java, the Shia group has been relatively able to live their lives in the refugee camps well. However, they still feel wronged and excluded, because they have not been able to return to their original hometown in Sampang, Madura. Meanwhile, minority churches such as GBPI Sedayu and GBPI Klasis Gunung Kidul, so far have not been able to rebuild their places of worship even though they have received a building permit (Ijin Mendirikan Bangunan/IMB), because there are still actions by intolerant groups who protest and hinder the construction of these churches. They forced the local government to revise the existing IMB and forced the church to negotiate.

¹¹ <https://www.hrw.org/id/news/2008/06/11/247177>.

¹² Appeared during the attack on the Shia group of Sampang.

During the last 3 years, act of violent from intolerant groups have been relatively decreased, although many human right groups belief that they are actually only changing or shifting their strategy from a harsh and conflicting strategy (hard advocacy approach) to a subtle but cunning one (soft advocacy approach). In reality, these intolerant groups keep struggling to put a ban to religious minority activities by using their political influence to pressing local authorities to continually apply the existing discriminatory laws for banning religious and ethnic minority groups. Their entry point for this purpose is usually through the FKUB, which has a role, for example, to provide recommendations for the establishment of places of worship to local authorities, or to provide recommendations to the local government in the event of a conflict in religious life. In responding to this situation, during this program period, the KBB community together with KBB paralegals and OBH have developed a soft advocacy approach by conducting dialogue with influential figures in FKUB. The change in the way of working from using hard advocacy to soft advocacy has paid off with the support of influential groups, such as FKUB Central Java.

2.1.6. Perceptions of Justice for Religious Minorities

The JAI community generally feels a change in the fulfillment and protection of their rights in the last 3-4 years. Persecution and other acts of violence are not as intensive as they used to be. Of course, the trauma of violence still persists, but JAI residents are generally able to open and involve in public activities, including religious activities. There are more rooms for Ahmadiyah and non-Ahmadiyah to meet which can be in praying and community meetings. Although they are still considered as 'splinter', the general public's perception of JAI has started to improve, in which theological differences is no longer an obstacle to mingle among the non JAI. The non-JAI community in their neighborhood (neighboring villages) has accepted them to involve in the praying. On the other hand, JAI residents can also be more open, mingling with non-Ahmadiyah, especially in Sukapura. Previously, JAI areas, such as in Kersamaju village, were always labeled with persecution, acts of violence, JAI mosque sealing and the like. This indicates a change in JAI's advocacy strategy as well as the public's perception of them.

Meanwhile, Shia refugees in Sidoarjo have been able to better access their basic rights. Although they have not been able to return to their hometowns, their basic rights services are getting better. Eighty percent of the approximately 88 families of Sampang refugees who live in Jemundo, already have a national health insurance card (JKN), have been registered at the Disdukcapil so that they have a family card, ID card, and other related matters. Their children can attend schools around the area where they live. The Ministry of Religion also organizes religious education activities for elementary/kindergarten children such as Koran training and religious counseling, although there is a fear that they will be taught religious education that is different from their own teachings.

Minority church congregations who are still unable to establish their places of worship certainly have not been able to enjoy their rights and freedom of religion properly. However, they generally feel they have the support from pluralist/diverse communities. The acts of persecution of intolerant groups or the prohibition of burial in public cemeteries for their congregations have received public attention through mass media coverage. This helps a sense of comfort and willingness to keep fighting for their fundamental rights and freedom of religion or belief.

2.2. Access to Justice in Women's Communities

2.2.1. Human Rights Issues and Violence Against Women

The number of reported cases of violence against women (VAW) MAJu partners in the last 3 years has increased. This situation is different from the trend of VAW at the national level as shown in the Annual Report of Komnas Perempuan (Catahu Komper) which shows a decline in 2020. However, the case records at Catahu Komper are not in line with the number of complaints and case handling owned by the Service Provider Forum, which is represented by two FPL members who have been partners in this program since 2018, namely LBH APIK and Rifka Annisa. The number of case complaints in the two institutions shows an increasing trend. This can not be separated from the reputation of these two institutions which have the reach of complaints and service referrals beyond their geographical location.

Rifka Annisa and LBH APIK Jakarta moved quickly to adapt the service during pandemic, for example, with complaints services using information technology, such as intensifying hotline and WhatsApp services that had been carried out before the pandemic. The two partners also continue to provide assistance to victims, both through paralegals and case assistants.¹³ On the other hand, in the past year and a half, UPTD PPA in the whole country has experienced a decline in service capacity for victims. In several areas, services for victims faced several restrictions and even closures, especially in the early days of the COVID-19 pandemic. In the second semester of the pandemic, the state began to have guidelines for adapting services for victims, one of which was by using information technology instruments, although it had not been able to answer victims' needs for comprehensive services.

In 2020 there are 4 types of trends and patterns of VAW namely:

1. The high level of violence in the private domain (personal relations) which includes violence against wives (Kekerasan Terhadap Istri/ KTI) and sexual violence (Kekerasan Seksual/KS) on children. All MAJu LAO partners received complaints or provided case assistance in the private domain. This private domain violence includes multiple violence with the victim's wife/partner and/or children. In 2020,

¹³ The increasing record of VaW of MAJu partners is related to the involvement of 2 MAJu partners who focus on the services for women victims of violence, such as LBH APIK and Rifka Annisa since 2018. These two institutions have a reputation and wide range of services beyond the boundaries of their work area. These two institutions are also known to have a detailed and well-managed case recording system.

there was a COVID-19 pandemic which had an impact on increasing cases of VAW in various forms.

2. Gender-based online/cyber violence (Kekerasan Berbasis Gender Online (KBGO)/ Kekerasan Berbasis Gender Siber (KBGS)) has increased significantly. The COVID-19 pandemic has increased KBGO/KBGS statistically in terms of numbers and forms of violence. Some forms of violence that occur are revenge porn, the spread of personal data, the spread of intimate content, porn video calls, and extortion through cyberspace. The perpetrators are mostly intimate partners who threaten to or spread private content. In some cases, the perpetrator of KBGO is also an unknown person/anonymous account on social media. There were also cases where online loan debt collectors used threats in the form of sharing personal data, sexual harassment, and violence as a way to collect debts.

In all MAJu partners on Java island, there has been an increase in KBGO/KBGS case complaints since 2018 and is even higher during this COVID-19 pandemic. LBH APIK Jakarta experienced a very striking spike in KBGO case complaints during the Covid pandemic, with 20 complaints before the Pandemic (November 2019-February 2020). Per March-November 2020 the number of complaints rose to 287 KBGO complaints. In 2020, LBH Bandung received 13 KBGO complaints (10 women, 3 men); LBH Yogyakarta received 3 KBGO cases with a total of 42 victims. At LBH Jakarta, there were reports of cases of 2 female activists experiencing data theft from unknown persons, where their personal data being entered into online sex service sites. The situation faced by these women activists has become one of the forms of attacks on human rights defenders.

3. Violence against women is intersected with issues of vulnerable groups with diversity in gender, sexual identity, religion, ethnicity, class, economic status, education, and employment. Cases of violence still afflict gender minorities, women living with HIV, and women in minority religious groups. Some of the issues highlighted were trafficking in women/exploitation of migrant workers (LBH Bandung, LBH Semarang, LBH APIK), neglect of services for women living with HIV/AIDS (GWL Ina), and violence against women sex workers (LBH Yogyakarta).
4. Sexual violence with various patterns is also still emerging. All MAJu LAO partners recorded complaints of sexual violence cases with teenage/girl victims. Public discourse on cases of sexual violence in 2018-2020 was dominated by cases of sexual violence in educational institutions such as campuses, schools, to Islamic boarding schools. Perpetrators are diverse from lecturers, teachers, coaches, friends, to clerics.

Sexual violence cases in educational institutions are dominant in areas with many educational institutions such as in Surabaya, Yogyakarta, and Jakarta.

Violence by the State has done in such a pattern and tendency in: 1) violation of economic and social rights in the form of deprivation of livelihoods due to persecution, 2) Criminalization of women through moral-based regulation that is discriminative to women; 3) carried out directly by the state apparatus or omission carried out by the state. One example is that women from religious minorities and beliefs receive discriminatory treatment regarding their religious identity on their ID cards so that their marital status is not recognized.

2.2.2. Analysis of Gender Roles and Community Social Inclusion

The women in the community who are accompanied by MAJu partners have various roles and dynamics. In some KBB communities, women's groups have begun to be able to build a critical attitude and take on a role to speak out on behalf of their group. One of them is the negotiation carried out by a women's group from the Indonesian Ahmadiyya Community (Jemaat Ahmadiyah Indonesia/JAI) regarding the sealing of their mosque accompanied by paralegals from the JAI women's group itself. Another example is the role of Shia women's groups who provide counseling and complaints rooms for their own circles for those who have experienced violence. This critical attitude and courage to negotiate has been seen since the last 2-3 years during the MAJu program. They are increasingly capable and brave even though they are in the internal structure of institutions or large groups of organizations that are still dominated by men. This is driven by the experience that women's groups receive more severe discrimination and persecution.

Although there has not been a significant change in gender relations in the family in the indigenous Papuan community, as a collectivity there has been a change in the role and position of women in the indigenous Papuan community. The rumours of the community regarding women's domestic violence have diminished, women are increasingly daring to file for divorce and/or report cases of domestic violence to the police. Customary and community leaders accept and acknowledge the roles of women paralegals in handling women's cases and other social problems.

In the MAJu target group community, it is marked by an increase in the participation of women as paralegals. Women paralegals who are part of this marginal group play social roles that they did not previously take, namely community organizing, referring and handling cases and in some cases conducting policy advocacy. These women paralegals come from marginal and vulnerable groups, and often face discrimination in the legal realm. Examples are female paralegals in the LGBTI group, sex workers and women with HIV. The roles played by these women paralegals improve the position of women in front of the community, for example, the paralegals of the Papua Legal Aid Foundation (LBH) assisted victims during mediation with Ondoafi. Women

paralegals who were trained by Rifka Annissa are involved as members of the FPKK with government officials. In 2020, paralegals will also help outreach to marginalized groups to convey information about the dangers of COVID-19.

2.2.3. *Community Capacity*

In a situation where the victim is weak in front of law enforcement officials and the legal system, collaboration between 3 elements namely paralegals, legal aid organizations (OBH) and service networks for VAW complaints is very important to support capacity building and empowerment of women's communities. The role of paralegals in every community is more important than ever. Paralegals act as friends, as well as psychological counselors and provide information about possible justice mechanisms to take. Provision of services can provide legal, psychosocial and referral assistance for victims to get support to access state social support such as visas, lawyers, health services needed by victims. Meanwhile, OBH can be a legal assistant for victims who need a lawyer in court.

The capacity building of the women's community can be seen from the activity of paralegals in assisting survivors of violence. Paralegals who come from the community are easier to reach because they are close to the community. Paralegals become the first reference in handling cases experienced by women and children. Paralegals provide information on access to justice and refer to service agencies. Paralegals have a significant influence in raising awareness and increasing knowledge of access to justice for their assisted communities. For example, the community of women sex workers in Yogyakarta can independently defend their rights violations because of the assistance and strengthening of women paralegals.

In increasing community capacity, several MAJu partner institutions collaborate with their accompanying paralegals to open a complaint room so that they can reach a wider community. LBH Papua opened a legal aid post (Pos antuan Hukum/Posbankum) as critical legal awareness and providing legal assistance to the community in Kampung Sereh. There is support from women paralegals in domestic violence mediation, as well as assistance in reporting cases to the police.

In this endline, it is found that there are paralegals who are not only present in marginal communities but also in several higher education institutions. This is to respond increasing number of sexual violence in universities, Rifka Annissa trained number of university students to be paralegals, and LBH APIK Jakarta conducted to young women generally. Some LBH Mitra MAJu collaborate with *Kolektif Perempuan* or Female Student's Groups on campuses (Srikandi UIN Yogyakarta, Hope Help Jakarta, Samahita Bandung).

In this case, paralegals and women's collectives who are also students on campus assisted by MAJu partners have established a post or complaint platform that can be used by survivors of

sexual violence on campus. The existence of paralegals and women's collectives becomes a liaison for victims with MAJu LAO partners and civil society advocacy networks.

Male Paralegals and PBHs have knowledge and perspectives on gender equality. Thus, male paralegals and PBHs are at least not gender-biased when dealing with the issue of VAW. In this endline, the MAJu program also contributes to the formation of a group of men with a gender justice perspective who support women in fighting for justice. MAJu partners also provide knowledge and understanding in gender equality to male paralegals and PBHs. The presence of men who provide support for gender equality is a major modality in efforts to prevent (recurrence) of VAW. Male paralegals, especially those from traditional leaders in Papua, are also very strategic in handling cases of VAW in a fair and non-discriminatory manner.

There are quite a number of institutions working on VAW issues compared to other marginal groups. Several institutions such as P2TP2A/UPTD PPA, PPA units in the Police, FPKK and other referral system services, such as forensic services in hospitals, trauma healing services, shelters in a number of psycho-social counseling centers have been found in the baseline. In this endline, institutions that were formed and services provided by the government had experienced service bottlenecks, and up to 1.5 years this pandemic was still experiencing budget constraints due to budget re-allocation for COVID-19 handling. However, several initiatives collaborated by the government with paralegals and CSOs such as P2TP2A and FPKK can actually be a safety valve for women seeking justice. In Central Java Province, P2TP2A services are available down to the village level. In Yogyakarta, the DIY government established the Violence Victims Protection Forum (Forum Perlindungan Korban Kekerasan/FPKK) with administrators from the province to the village.

2.2.4. Institutional Mechanism to Solve Problems

Paralegals become a mechanism for expanding the space of marginalized communities to seek justice. During the implementation of the MAJu program, paralegals have received many cases and most of the cases can be resolved through non-litigation channels. This happens to the LGBTI group, followers of KBB, and cases of domestic violence against women. In the event that the case is continued to litigation stage where paralegal cannot represent the victim before the court, the role of paralegals is mostly only up to refer the victims to LAO. In the case of domestic violence, the reporting parties, who are mostly women, generally choose to divorce. They consider that this is the quickest way to get legal certainty about their marital status.

This choice was taken by many women because they received unfair treatment when reporting their cases. Instead of encouraging the settlement of cases by referring to the PKDRT Law, law enforcement officer tend to encourage peace between victims and perpetrators. The legal process for domestic violence cases in Indonesia is also long, taking around 3 to 4 meetings before the

Police Proceedings are completed,¹⁴ with results that are not always fair to women. In the judicial process, women experience a series of unfair situations ranging from pressure from the perpetrator and their families, to losing job opportunities. On the other hand, divorced women are not eligible to get free legal aid, because they are not categorized as a poor, although divorce may put them in poverty. They are instead eligible to receive pro-deo services. Several MAJu partners' efforts to produce poverty certificates have succeeded in bridging the access of women victims of domestic violence. However, this condition is casuistic depending on the understanding of the head of regional office of BPHN, because in some areas, apart from a certificate of poverty, there are still administrative requirements requested by BPHN that cannot be fulfilled by women who are victims of domestic violence, such as a certificate of summons from the police is requested by BPHN office in DIY provinces but not requested by BPHN office in DKI Jakarta Provinces.¹⁵ The situation indicates different understanding of each BPHN office on the required documents.

During the pandemic, MAJu partners adopted online mechanism through WhatsApp and hotline services to receive case and provide assistance, and offline services only for victims who need further action in case handling. They also follow health protocols, although the implementation of these health protocols is an additional burden for partners and victims, as they need to buy mask, hand sanitizer and other health protocol equipment. The number of case complaints has increased because through the hotline service, the coverage of complaints has expanded. For example, LBH APIK received cases/complaints not only from Jakarta but also Bogor, Depok, Tangerang, Bekasi and Karawang; Rifka Annisa received complaints from greater Java and even Sumatra. At this point, MAJu partners used the benefits of network by referring the case to local service providers in the nearest area of the victims.

LBH Jakarta also conduct online services through email and phone. Other LAOs are combining offline and online services based on the urgency. When social restriction was implemented, the use of paralegal post or legal aid post in the community level is advantageous, such as LBH Bandung, LBH APIK with 7 paralegal posts in Jakarta, Bogor, Depok, and Tangerang. In this part, community paralegals plays important role to reach community members who need social assistance during the pandemic.

Strengthening the network in several MAJu partner areas is one of the mechanisms to provide Access to Justice, especially if there are areas that are far from LAO or other service institutions. For example, Rifka Annisa provides training and provides assistance in remote areas by collaborating with government institutions such as P2TP2A or UPTD PPA. LBH offices in Java are also indicated to have better connections with government-run service providers (UPTD

¹⁴ Interview with Rifka Annisa, LBH Apik

¹⁵ Interview with Rifka Annisa, LBH Apik and LBH Bandung

PPA/P2TP2A) than at baseline report. LBH offices refer victims to UPTD PPA/P2TP2A to get integrated services such as post-mortem services, safe houses and psychological counseling. Several MAJu partners build network with universities and work with them to advocate gender-based violence cases on campus. Massive consolidation between MAJu partners and universities through social media moved students and the community to support the Draft Bill on the Elimination of Sexual Violence and made it one of the demands in the big student action in Yogyakarta, Gejayan Memanggil.

During the COVID-19 pandemic, the government determined the closure of public complaints services for approximately 2-3 months. The government also cut the budget for service providers, causing service providers to close. However, the government does not open an alternative for public complaints that do not need to be face-to-face or done online. Therefore, Rifka Annisa then made a FPKK service guidelines that can be done remotely. In the preparation of the service guidelines, Rifka Annisa incorporated the principles of inclusiveness as basic standard, and requested the Government of Yogyakarta Province to adopt it as regulation to get this implemented widely among FPKK members. Rifka Annisa continues to open services with a high standard of health protocols. For example, in the health protocol standard for picking up survivors of violence against women, Rifka Annisa limits car passengers to only 3 people consisting of survivors, drivers, and assistance. This can be a reference for the government, which has not yet implemented health protocols.

False Mediation and Restorative Justice

In various interviews with paralegals and MAJu partners in Java and in Papua, it is found that mediation to make peace between perpetrators and victims, including those that offered by police considered an application of restorative justice concept.¹⁶ However, the use of the concept of restorative justice in cases of domestic violence and VAW is actually incorrect. Redress mechanism under Law on Domestic Violence does not recognize restorative justice mechanism, either in the form of mediation or peace. The use of this mechanism is not in line with the goal of restorative justice, namely to fulfill a sense of justice for victims and affected families. Victims with poor access to justice information tend to be afraid of the legal/litigation process, because this process is considered complicated, time-consuming, energy and money-consuming. In many cases, victims who are not accompanied by a Legal Aid Servant take this mediation option under forced circumstances from law enforcement officials.

Even though the use of this mechanism is considered more efficient in terms of cost and time, it is actually more benefitting the perpetrator. In several cases, there is strong indications of

¹⁶ The restorative justice concept is often used in the settlement of serious human rights cases, which put equal emphasizing on the justice for many, whether for victims, their families, and the wider community who are affected by human rights violence/crimes. Some feminists/women's organization have expressed concerns that a restorative justice conduct by police may re-victimize women as victim. They also concern with the used methods that tend to neglect key values of restorative justice: respect, honesty, humility, mutual care, accountability and trust. Source: interview with Rifka Annisa, LBH APIK and also Handbook of Restorative Justice Program, UNODC, 2006.

collusion between the perpetrators and law enforcement officers to avoid further legal proceedings. It becomes a white-wash mechanism to end the case without due process. Compared to criminal law processes, mediation results tend to be superficial, which does not solve the root of the problem, does not provide a deterrent effect and does not guarantee non-repetition behavior.

In the context of law enforcement that emphasizes the principles of efficiency over the principles of justice, the role of the Legal Aid Servant/Legal Aid Organization becomes important to protect the rights of victims. Despite of unsuitable mediation mechanism for protecting and fulfilling women's sense of justice, MAJu partners provide it anyway based on the victim's request. LBH APIK Jakarta provides legal aid to provide virtual assistance and mediation. Especially during COVID-19 pandemic, there is increasing number of requests for mediation from the victims of violence against women and children.

Recognizing the reluctance of victims to take the case further to legal mechanism, Rifka Annisa developed a case handling model that emphasizes preventing the recurrence of violence through the transformation of gender norms. Victims who take cases to Rifka Annisa, apart from getting information about legal mechanisms, also have the option to attend counseling to deal with trauma. Victims who do not want to take divorce or litigation steps are then offered couples counseling. In this counseling, separate counseling is carried out for the perpetrators to encourage changes in the behavior of the perpetrators. In the last stage of counseling, pair counseling is carried out to solve the root of the problem, formulate a vision of living together and guarantee non-repetition of behavior. This kind of counseling model is more successful in ensuring non-repetition because it changes power relations and encourages equality of gender relations in the household.

Online Gender-Based Violence (Online Gender-Based Violence/KGBO) cases was increased during the pandemic. Advocacy for KBGO cases requires collaborative efforts from various institutions including several institutions are being referred to mediate KBGO cases. One of the institutions that takes the initiative and is active in mediating violent acts in cyberspace is Safenet that develop specific channel for KBGO, namely Awaz, KBGO!. Cooperation between LAO and institutions such as Safenet provides double protection to victims and survivors. Safenet helps in removal of content that harms victims or survivors, reporting to the authorities such as to the National Police Headquarters as a next step to access justice.

The KBGO case encourages LBH/YLBHI to adapt to the situation. In this case, LBHs are expected to receive and handle KBGO cases. Some LBHs established complaint post or paralegal post at community to outreach victims and survivors. KBGO also opens up new link to other legal cases. LBH Semarang responded to online loan cases in which women were mostly the victims. They also published guidelines to resolve online loan cases. LBH Yogya adapt the

advocacy strategy when dealing with sexual violence cases by lecture in one university in Yogya. Despite their disagreement of ITE Law, they had used the law to deal with sexual violence, the result was actually effective because the perpetrators were punished with sentences that were considered to fulfill the victim's sense of justice. They also opened up the name of perpetrator by accidentally violating presumption of innocence to attract more victims to join force, and this proved to be effective.

2.2.5. Challenges and obstacles

The process to access justice for VAW survivors faces many challenges, both from state policies, law enforcement officer, and community. The first challenge is the state policies which have become increasingly discriminatory to women in the last 5 years. At the state level, the ITE Law is often used to criminalize activists and victims. Several drafts of state laws also indicated that they discriminate women, such as the Criminal Code Bill, the Family Resilience Bill, while at the same time the state also postponed the draft laws aimed at providing protection to women such as the Sexual Violence Bill and the Domestic Worker Protection Bill.

During the COVID-19 pandemic, there was an increase in cases of online gender-based violence (Kekerasan Berbasis Gender Online/ KBGO) against women. This situation further increases the vulnerability of women when they do not understand how to deal with it, and apparently resulted contrary to expected in which they were accused by ITE law to defame the perpetrators. One example was the case of Baiq Nuril from NTB who was found guilty of violating the ITE Law, based on the Supreme Court's decision although she was actually victim of sexual harassment. Although finally getting an amnesty from the president after strong pressure from civil society, this decision sets a bad precedent that other perpetrators can use ITE law to criminalize the victims.

The second challenge comes from law enforcement officers who are biased and discriminative against women and marginalized groups that affect the implementation of policy and treatment to the victims. The experience of service providers for women victims of violence shows that out of around 1000 complaints received, only 1 case was resolved through litigation with fair results for the victims. The number of cases going to formal legal channel decreasing along the process because several reasons. The law enforcement officers often treat women victims, especially victims of sexual violence, in a discriminatory manner. While the victims may not psychological prepared to take legal action, they are now more vulnerable and subjected to repeated violence when reporting their cases. Most chose to withdraw or not continue their complaint because they were not prepared with a mechanism that was not friendly and responsive to the victim's situation. This was shown in the case of sexual violence by IM (UII) that was handled by LBH Yogyakarta and Rifka Annisa. Although they received complaints from 31 victims and provided legal and psychological assistance to them, none of the victims want to forego to formal legal procedure.

Moreover, the court process takes long time. MAJu LAO partners noted that the length of the legal process until the verdict issued took 1 to 2 years in the District Court (Pengadilan Negeri/PN). For women victims, this mechanism has the potential to impoverish victims because victims lose time to carry out productive activities. This situation discouraged victims to take the case further and resolved in non litigation manner. This is more obvious among victims of VAW from marginalized groups (women with disabilities, women who are HIV positive, and women from the LGBTI group). Although there has been positive progress by Supreme Court Regulation No. 03 of 2017 concerning Guidelines for Adjudicating Women Facing the Law in Court, and Prosecutorial Guidelines No 1/2021 on Access to Justice for Women and Children, these are still newly implemented that many times.

The third challenge is hegemonic patriarchy culture that stigmatize the victims and protect the perpetrator especially the perpetrators with hegemonic power. Therefore, women survivors of VAW have the potential to be repeated victims and even experience multiple layers of violence. The cessation of reporting on KtPA and KS cases also occurred because the victims were afraid of threats from the perpetrators and their networks and were afraid of the stigma imposed on them.

Two children in Jakarta were sexually assaulted by their neighbors. The families of the two children then reported it to the Tebet Police Station, but they were not taken seriously. The police were not cooperative in handling this case because they refused to coordinate with P2TP2A. Besides that, the family of one of the victims is also reluctant to continue this case because they are worried about the stigma and its impact on the children's future.

MAJu LAO partners also reported that there were cases of KtP and KS involving people in power, including ulama (LBH Surabaya and WCC Jombang); Police, TNI (LBH Surabaya); Lecturer/Teacher (LBH Semarang); Officials/bureaucrats (ALDP). These perpetrators try to use their power to influence the legal process by intimidating victims and paralegals or trying to collude with law enforcement officers, especially the police to stop the cases. MAJu LAO partners found police efforts to stop cases by offering mediation, the endline finding shows MAJu LAO partners legal assistance contributes to judge's ruling that side with the victim. (see example in the box below)

A 17-year-old girl victim from Central Java was raped. Arguing that the perpetrator would be economically responsible, the victim was persuaded by the police to marry the perpetrator. When the victim finally marries the perpetrator, the victim experiences repeated violence, including sexual, physical, and economic neglect. Finally, this case was assisted by LBH Semarang where the perpetrator was sentenced to 6 years in prison and a fine of Rp. 1 million rupiah to the perpetrator. The judicial process was slow and took about 2 years.

In addition to the challenges above, COVID-19 pandemic has prevented victim/survivors to get direct interaction with service providers. Availability of online services does not provide

comfortable environment for the survivor to counsel. Many times, paralegals or service providers needed to meet offline with the victims/survivors. Therefore, offline counseling or assistance were maintained with strict health protocols. However, this was not ideal as it increased vulnerability of both parties to COVID19.

On the other hand, the design of online services, both reporting/mediation by the police and the judiciary, still ignores the accessibility constraints of the poor and marginalized. Many survivors do not have access to devices or technology and find it difficult to voice their situation through devices or technology. Offline courts with the application of protocols adapted to the COVID-19 situation are considered better than online services, but survivors often have difficulty presenting themselves or presenting witnesses due to social restrictions or fear of exposure to COVID-19.

2.2.6. Perception of Justice for the Women's Community

In the 5 years of the MAJu program, there have been several improvements in access to justice for women victims, especially in efforts to bring victims closer to services for women victims of violence. There is some support for women victims provided by service providers, both from members of the Service Provider Forum and government-run service providers for victims of violence (P2TP2A, UPTD PPA). This support takes various forms, including psychological assistance (counseling), legal assistance/information, to support for accessing health services for victims. Women victims of violence also receive reinforcement from paralegals who are members of their community or members of other marginalized communities (paralegals of trans women groups).

The availability of this service and support brings a perception of justice for victims from at least two areas that are still within the reach of the MAJu program, namely: 1). There is a sense of acceptance of the victim that comes from the support of paralegals as well as legal and psychological support from MAJu partner organizations. 2). There is a sense of being recognized and not neglected by the state through the services it receives, whether legal, psychological and health services. MAJu has a direct contribution to the fulfillment of a sense of justice in the first domain, but to the achievement of a sense of justice in the second domain, MAJu's partner position is as facilitators, who facilitate the link between government and victims. In many areas, both P2TP2A and especially UPTD do not yet have ideal services. This situation will affect the victim's acceptance of state services. The existence of a referral mechanism to handle VAW cases such as between LBH Surabaya and WCC Jombang, or FPKK Yogya, is the key to ensuring that victims felt protected and not neglected.

The quality of state services including the lack of sensitiveness among the state officers in the service providers services for women such as UPTD PPA needs improvements. This is to prevent

an insensitive solution suggested by state institution such as in UPTD PPA Jayapura that encouraged victims and perpetrators to mediate.

The unfulfilled sense of justice among the victims derived from the absence of legal protection for the victims both in policies and practices. Some of the positive achievement through litigation went through long assistance of MAJu LAO partners. However, the punishment received by the perpetrator is unequal to the victim's suffering during the long process of litigation both in terms of the duration of the sentence and the fine imposed to the perpetrator.

The discriminatory and impartial legal system has forced women to process their cases through non-litigation channels. In many cases, women choose to file for divorce without taking criminal action against domestic violence, or choosing mediation. Unfortunately, state did not recognize the victim's pain well that made the victim recovery takes long time.

The mechanism provided by the state for the recovery of victims, including psychological, social and economic recovery, is still very limited. Victims who go through litigation also experience difficult situations when processing their cases in court because no police protection from the threat of perpetrators, no avail safe house, and with competing bad laws, the victim is potential being accused criminal act.

With all the challenges, victim's experience and expectation shaped their perception of justice. One of survivor assumes justice is met when the perpetrator gets a punishment or sanction that is comparable to the survivor's pain. In the case of KBGO, justice is met when the survivors can get sense of security, and bein safe in the internet and easy to get protection.

2.3. Access to Justice for the LGBT Community

2.3.1. Human Rights Issues and Violence Against the LGBT Community

To assess the situation of access to justice for the LGBT community in this endline study, a review of access and aspects of the social life of the LGBT group is carried out in accordance with the justice situation expected by members of the LGBT community, international instruments and national policy and legal frameworks. The questions formulated in this study also take into account the typical barriers faced by LGBTI groups that vary between gender and sexual minority categories. It should be noted that although MAJu targets LGBTI, intersex is not reached because no community can be found, even though MAJu partners (Suara Kita) have accompanied cases faced by intersex people.

The key questions and their measurement parameters are as follows: **first**, to what extent can members of the LGBT community enjoy basic services as citizens without being discriminated against? The indicators used to answer this question include the LGBT community's access to

identity cards and health services. **Second**, to what extent can members of the LGBT community enjoy their right to expression, opinion and assembly? These rights are important in relation to the political efforts of LGBT groups to gain recognition of their broader rights. Also, to provide more objective information that is expected to reduce stigma and misperceptions in society towards this community. **Third**, to what extent has the LGBT community enjoyed social inclusion and acceptance? This question is important to answer whether members of the LGBT community have been able to enjoy a sense of physical and psychological security – which is their right as citizens living in various regions in Indonesia.

Access to Legal Identity

Barriers to access to demographic identities such as Identity Numbers (Nomor Induk Kependudukan/ NIK), Family Cards (Kartu Keluarga/ KK) and Identity Cards (Kartu Tanda Penduduk/ KTP) are classic barriers for LGBT groups in Indonesia. A survey conducted by the Gaya Warna Lentera Indonesia network (GWL-INA) in 2017 showed that 34.1 percent of the 989 trans women respondents did not have an ID card. The survey was conducted in four cities in Indonesia, namely Bandar Lampung, Jakarta, Bandung, and Manado. This situation is caused by at least two things, namely, the difficult conditions for members of the LGBT community in the procedures for issuing identity documents have not been accommodated, and the discrimination against this group due to stigma and the wrong mindset about LGBT among public officials who are obliged to issue these documents to them.

Complicated conditions experienced by many members of the LGBT community are the absence of documents that are administrative requirements for obtaining an ID card, such as a family card or birth certificate. It is common to find members of the LGBT community who no longer have access to KK and Birth Certificates because these documents are controlled by families who deny their gender or sexual identity, which they are forced to leave and lose contact with. The second obstacle is the mindset of officials who have the obligation and authority to publish the identities of residents who are influenced by the stigma against the LGBT community. This stigma then affects their motivation in providing services. For example, by requiring a trans woman to express her gender according to her sex in a photo ID card, or applying all administrative requirements rigidly without knowing or considering that for the LGBT community. To fulfill these administrative requirements, the LGBT community often faces physical and psychological threats from their environment, such as from families who reject their gender identity or sexual orientation.¹⁷

The above conditions have been identified as one of the barriers to access to justice for the LGBT community when the MAJu program started in 2016¹⁸ and is still being found today. Nonetheless, there has been progress in government policies to provide a citizenship identity

17 Nino, Ibid., dan Aurina, Vamela, "Duka Transpuan Tak Punya e-KTP: Sulit Urus Pemakaman hingga Perbankan," idntimes.com/news/indonesia/vamela-aurina-2/duka-transpuan-tak-punya-e-ktp-sulit-urus-pemakaman-hingga-perbankan/1, diakses 14 Juni 2021.

18 Aru, Yohanes, et.al., "Laporan Studi Baseline MAJu," 2016, hal. 15.

card for the LGBT community. In November 2019, the Minister of Home Affairs released Regulation of the Minister of Home Affairs Number 96 Year 2019 concerning Population Data Collection and Issuance of Citizenship Documents for Vulnerable People of Civil Administration. This regulation then became the basis for the Ministry of Home Affairs to implement a recording program and electronic ID cards for transgender groups since around April 2021.¹⁹ Perkumpulan Suara Kita, one of MAJu's partners has taken advantage of this program by facilitating a number of transwomen to record electronic ID cards according to their desired gender expression.²⁰ Although there are still a number of technical questions in the implementation of this program, this policy is sufficient to provide a strong basis for advocating for the acquisition of citizenship documents for transgender groups in Indonesia in the future. With the ownership of citizenship documents by this group, their access to other rights that they have as citizens is also open. For example, health insurance from BPJS, as well as assistance or other social protection organized by the government.

Access to Health Services

There are several barriers to access that are generally experienced by members of the LGBT community. *First*, access is completely closed because they do not have the necessary administrative requirements, namely ID cards. *Second*, discrimination by health workers because of the stigma attached to this group. And *third*, health services that do not meet the requirements because health workers do not have adequate knowledge about how to provide health care to members of the LGBT community according to their gender identity and sexual orientation.

It is quite difficult to present a complete picture of how big the three obstacles are in the field, considering that no institution has ever systematically conducted a survey to map them. However, some case complaints received by MAJu partners such as the Perkumpulan Suara Kita and GWL Ina indicate that these forms of obstacles are still experienced by a number of members of the LGBT community.

To advocate for the rights of the LGBT community to health services, Perkumpulan Suara Kita and GWL Ina with the support of MAJu²¹ began to establish communication with officials and health workers in several Community Health Centers (Pusat Kesehatan Masyarakat/ Puskesmas). Based on this strategy, communication between organizations and the LGBT community and government agencies responsible for providing health services began to be established. In some places, members of the LGBT community can access services at the Puskesmas using the domicile information provided by the neighborhood administrator (RT or RW) because they do not have ID cards.²² With the communication that exists between the LGBT community and government agencies, it is hoped that stigma and misinformation about members of the LGBT

¹⁹ <https://www.idntimes.com/news/indonesia/aldzah-fatimah-aditya/kabar-gembira-transgender-kini-bisa-buat-ktp-kk-dan-akta-kelahiran/3>

²⁰ Interview with Perkumpulan Suara Kita

²¹ Interview with GWL Ina https://docs.google.com/document/d/1oIORhahGrSo3zRiIs_IUnGVXhy5QGegbLJ5XsmTUY8c/edit?

²² For example DKI Jakarta

community can be reduced. So that in a certain period of time, health services for the LGBT group can improve in terms of quantity and quality. Recent developments related to the issuance of electronic ID cards for trans women by the Ministry of Home Affairs are also expected to contribute positively to the fulfillment of the right to health services for LGBT people in the future.

Enjoying the Right to Expression, Assembling and Expressing Opinions

In addition to meeting the needs of the LGBT community members to socialize, the right to assemble, and express opinions are important to fight for their recognition, equality and acceptance in society. This study finds different conditions at various levels in Indonesia today. At the national level under the authority of the central government, the right of the LGBT community to gather and express opinions seems to have sufficient space. This can be seen, among other things, from the continuous publication of a number of websites and social media accounts created by, and promoting the rights of the LGBT community. This available space is very useful for disseminating more objective information to fight stigma against the LGBT community, as well as for reaching community members who have experienced incidents of discrimination and other repression.

Nevertheless, repression of the right to express, assemble, and express opinions against the LGBT community still occurs in some areas. During 2018-2020, there are still regulations and policies that discriminate against LGBT groups in some areas.²³ For example, the Pariaman City Regional Regulation (Peraturan Daerah/ Perda) no. 10/2018 concerning Public Peace and Order which was stipulated on December 26, 2018. This regional regulation explicitly prohibits anyone from appearing as a transvestite who carries out activities that disrupt public peace and order. This regulation also prohibits same-sex immorality or committing acts referred to as LGBT. Violation of these provisions can result in a person being sentenced to a maximum imprisonment of 3 (three) months, a fine of Rp. 5,000,000, and paying a regional regulation enforcement fee of Rp. 1,000,000.

Previously, the Regent of Cianjur signed a Circular so that every mosque gave a sermon with LGBT material, and after the Pariaman City Perda is published, the Depok City Government plans to issue a local regulation with similar content.²⁴ The Depok City Government and DPRD were still discussing the Raperda on the Prevention and Control of Sexual Deviant Behavior.²⁵ These local regulations are generally motivated by the stigma that LGBT behavior is the main cause of the spread of HIV in society, or the potential for crimes/criminal acts committed by the LGBT community, such as prostitution or paedophilia.²⁶

23 See <https://tirto.id/perda-yang-mendiskriminasi-lgbt-disebut-melanggar-konstitusi-da8d>,

24 See <https://tirto.id/perda-yang-mendiskriminasi-lgbt-disebut-melanggar-konstitusi-da8d>.

25 See <https://www.cnnindonesia.com/nasional/20210317135113-20-618603/wanti-wanti-risiko-diskriminatif-raperda-penyimpangan-seksual>.

26 See <https://tirto.id/bolehkah-pemda-menekan-lgbt-seperti-terjadi-di-cianjur-c8nH>, dan <https://tirto.id/perda-larangan-lgbt-di-depok-justru-bisa-perparah-penyebaran-hiv-efnW>,

Although some parties, including the National Commission on Human Rights (Komisi Nasional Hak Asasi Manusia/Komnas HAM) consider the content of such regulations not violating human rights,²⁷ The existence of this regional regulation is feared to provide a legal basis for local government officials and certain community groups to persecute members of the LGBT community. This concern is evident, among others, from the incident of "enforcement" of the Padang City Regional Regulation Number 11 of 2005 which became an act of persecution by the Satpol PP against three transgender people and a lesbian couple in Padang City at the end of 2018 and September 2019.²⁸

GWL INA through monitoring cases of persecution among its members across Indonesia noted a decrease in cases of persecution against the LGBT community in several cities from mid-2019 to 2021, after having increased until 2018. It was suspected that this problem was due to the passing of the political year, namely 2018 to mid-2019, which often uses LGBT issues as a political commodity. On the other hand, radical groups as perpetrators of persecution still exist in various forms even though the actors whose surface appears to be changing. This premise shows that the potential for persecution will rise again in the next political year, which is between 2023 and 2024. The decline in cases of persecution against the LGBT community is allegedly due to the choice of a national security strategy for the LGBT community to quietly consolidate and organize themselves. On the one hand, this strategy has succeeded in strengthening internal consolidation, successfully avoiding being detected by groups of perpetrators of persecution. However, this approach may not necessarily be productive to raise awareness among LGBT community on civil rights, and socio-political-cultural affairs. There are even indications that the LGBT group is paranoid to some of its members who are considered to be overly exposing their gender expression and sexual orientation in social media. This internal struggle among LGBT groups between security and freedom of expression has occurred and even involved LBH Papua to mediate tensions within the community.

2.3.2. Social Inclusion and Acceptance of the LGBT Community

Like the enjoyment of the rights to freedom of expression, assembly, and speech, inclusion and social acceptance of the LGBT community are still limited in all regions in Indonesia. To measure the inclusion and social acceptance of the LGBT community, we can use numbers of incidents of discrimination, intolerance, criminalization, as well as government and media hate speech that afflicts members of the LGBT community.

Although currently there is no institution that specifically and routinely monitors these indicators, some of the data referred show that there are still acts of intolerance, violence based on sexual orientation, persecution, and even hate speech from the government throughout 2018 to 2020.

²⁷ See <https://tirto.id/komnas-ham-pemprov-sumbar-larang-lgbt-tak-langgar-ham-dg6B>,

²⁸ See <https://www.viva.co.id/berita/nasional/1232694-lgbt-kota-padang-hidup-dengan-intimidasi-dan-persekusi>,

For example, the previously mentioned persecution of lesbian and transgender couples in the city of Padang in 2019, and statements by the Ministry of Law and Human Rights in the process of deporting Kristen Gray, an American citizen who lives in Bali and is considered to be promoting LGBT, in early 2021.²⁹ Unfortunately, it is quite difficult to collect accurate quantitative data that compares cases of discrimination, violence and persecution against the LGBT community from year to year. Therefore, it is also quite difficult to say with certainty whether these cases have decreased or increased over a certain period time in Indonesia.³⁰

However, signs of social inclusion of the LGBT community have also emerged in various places. For example, it can be seen from Suara Kita's success in forming Sahabat Kita, a paralegal community that provides support for members of the LGBT community who experience rejection, violence or persecution. Currently, there are 178 paralegals who are members of Sahabat Kita consisting of people from various backgrounds,³¹ such as housewives, priests, doctors, and students who are not only limited to homosexuals but also heterosexuals.³² Another example is OBH Aisyiah which is one of the OBH assisted by LBH Surabaya, collaborating to provide assistance in cases of violence or persecution to the LGBT community. GWL INA also bridges communication channels containing LGBT with PLWHA and women with PLWHA where there is a process for mutual understanding of barriers to access to information and problems of injustice experienced and solutions to these problems.

Inclusion situations that are not found in the baseline but are found in the endline are collaboration/mutual support, solidarity or simply acknowledgment/acceptance between paralegals from the LGBT community and paralegals from other communities. For example, female paralegals from LBH Semarang received support in advocating land cases from trans women paralegal groups. Still in Central Java, advocacy for church cases has received solidarity from transgender groups. This fosters a sense of acceptance of sexual minority groups by the religious minority community and belief. The encounter of gender and sexual minorities with religious and belief minorities also took place in West Java where transwomen paralegals from LBH Bandung were also in solidarity with the religious freedom case experienced by JAI. Trans female paralegals from Yogyakarta provide assistance to female sex workers who experience violence. In Papua, the transgender community has received a sense of acceptance from the indigenous community. There are spaces for bringing together diverse identities and experiences of injustice through paralegal training. These spaces foster a sense of knowing, acknowledging each other (recognition) and opening spaces for inclusion and solidarity.

29 <https://regional.kompas.com/read/2021/01/20/14574051/kristen-gray-dideportasi-karena-pernyataan-bali-ramah-lgbt-ini-penjelasan?page=all>

30 The monitoring of the number of cases, which is quite structured, was last carried out by LBH Masyarakat in 2018 for cases that occurred throughout 2017 source <https://lbhmasyarakat.org/seri-monitor-dan-dokumentasi-2018-bahaya-akut-persekusi-lgbt/>

31 Discussion Notes on Day 1 of Suara Kita Capacity Building, 3 September 2019

32 Discussion Notes on Day 2 of Suara Kita Capacity Building, 4 September 2019

On the other hand, the recognition and acceptance of the community, both paralegals and the general community, towards LGBT conditions, especially trans women, also shows an improving trend. For example, there was a moment of inclusion that opened public awareness about violations of the rights of gender and sexual minorities at the national level. There is massive support from various individuals and communities based on religious or non-religious sects for the transgender community in West Java who are victims of violence by YouTubers.

Although it can be said that the inclusion of the LGBT movement with other movements has been initiated by the transgender community, in general the GWL community has shown increased political recognition by duty bearers, either in the form of acceptance of duty bearers for the results of monitoring health services or acceptance of GWL groups by local governments in advocacy related to health services. One of the great potentials to increase inclusion in Indonesia is the follow-up to Permendagri number 96 of 2019 which allows recording of electronic ID card data according to gender expression. This policy has the potential to narrow the stigma and discrimination that GWL groups often receive in health services or other public services. The success of advocating for the electronic ID card service has also opened a space for bureaucrats and the public to accept the diversity of gender expressions of the GWL group.

2.3.3. Community Capacity to Access Justice

The capacity of community groups to access justice begins with their knowledge of their rights, knowledge where to go when they need to seek help to resolve the violation of rights they experience, and knowledge what available pathways or mechanism to get remedy.

Increased knowledge about their rights and how to seek help has been obviously occurred in most communities that receive assistance by MAJu partner organizations.³³ This increase in knowledge is the result of a large number of knowledge and information products and assistantship produced by MAJu partners who have been working to promote citizen's rights of the LGBT group, in particular, Suara Kita and LBH Masyarakat.³⁴

Meanwhile, knowledge about the available mechanisms that can be used to restore rights when experiencing violations among the LGBT community has also increased. Although it should be suspected that the increase is not as widespread as the increase in knowledge about rights and access to sources of support services for cases of violations of the rights of LGBT groups.

In addition to increasing knowledge in general, there is an increase in the quantity as well as the quality of assistance (legal and non legal services) for the LGBT community by several MAJu partner organizations. Among them, the addition of connectors, paralegals and companions for the LGBT community in the Sahabat Kita (from the Suara Kita Association); increased number

³³ FGD with LBH Jakarta, LBH Masyarakat, paralegal LBH Jakarta, and LBH Masyarakat's paralegals.

³⁴ LBH Masyarakat and Suara Kita made a pocket book for members of the LGBT community and paralegals from the community regarding guidelines for submitting complaints about human rights violations of LGBT groups.

of paralegals of the GWL INA community and LGBT paralegals from LBH Yogyakarta, LBH Bandung, LBH Semarang, LBH Surabaya and LBH Jakarta.

Second, the establishment of the Legal Aid Forum for Equality (Forum Bantuan Hukum Untuk Kesetaraan/ FBHUK) in 2018 which provides legal assistance services by paralegals and advocates who are also members of the LGBT community. Previously, in the MAJu program baseline study in 2018, only paralegals were recorded as members of the LGBT community, and advocates from LGBT community who provided pro bono legal aid services, had not been recorded. This FBHUK was initiated by paralegals who previously participated in capacity building activities organized by LBH Masyarakat. In a short time, until mid-2020, this forum has provided legal aid services to at least 50 members of the LGBT community. *Third*, increasing specific expertise in paralegals from Rifka Annisa to provide counseling services to transmen. This expertise is not easily found in other service delivery organizations. Lastly, in Surabaya, MAJu LAO Partner, LBH Surabaya and its LGBT paralegals from Perwakos, successfully established legal aid post for LGBT communities during COVID19 which then was expanding the services to other vulnerable groups.

2.3.4. Mechanisms, barriers to access justice and victims' perceptions of justice

Although there is an increase capacity among LGBT community to seek justice, but it is still rare having LGBT community in cases of persecution, violence or criminalization receive full remedy. The closest mechanism to access justice for the LGBT community is through non-litigation channels facilitated by community paralegals who are connected to a number of legal aid organizations. Community paralegals are the first line to assist victims in solving justice problems that they experience in daily basis, such as the deprivation of living space for the LGBT community in the form of eviction from boarding/rented/permanent houses. These cases are happening since the baseline to endline period. However, the difference from the baseline, currently community paralegal provided legal assistance to the LGBT member to defend their rights to live in their rented house/room before the home owner or landlord. Even though at the end, the victim had to move out anyway, they felt more satisfied that they were able to defend their rights and was not completely defeated. The feeling of being empowered is important. However, there was even situation where paralegal from GWL INA succeeded in assisting victims to fight for their rights to stay in their home, and this effort was carried out through advocacy with local leaders and presenting legal arguments that strengthened the victim's position.

Advocates and paralegals who provide legal aid services for the LGBT community consistently reveal that their clients often choose not to take cases of violations of their rights to court because they feel they are unable to face the discriminatory treatment, degrading and bullying behavior that law enforcement officers often do to them during the legal process. This situation made them victimized twice or harder during the judicial process.

Therefore, most members of the LGBT community are quite satisfied if they can avoid potential criminalization or further persecution, without expecting a court decision granting restitution, rehabilitation or compensation for the violation of their rights. The failure to penetrate formal justice is continue to happen. For example, in the case of a YouTuber prank against transgender people in West Java, the victim was ultimately in a position to give up on pursuing a legal case because of the large social, psychological and economic costs they had to bear when processing the case. With support from paralegal, and also sympathy from public, the victims were encouraged to continue the case. It was promising that the paralegals and LBH Bandung worked hard to make the perpetrators imprisoned. However, the case garnered excessive media attention that increase anxiety of the victims. The victims complained to paralegals during the media coverage that they could not work, some experienced fear of their identity being revealed by their families, and there were strong indications that the authorities met with the victims to offer 'peace' on behalf of the perpetrators. Police officers in cases that garnered public attention showed playing on two legs. One leg seems to be trying to fulfill the public's sense of justice, on the other leg it is taking covert steps to 'defend' the perpetrator.

Access to justice for the LGBT community is not merely based on the awareness of their rights, but largely determined by their economic capacity to keep living, or otherwise they are willing to discontinue the case in exchange of money. This situation is usually used by the law enforcement officers to offer “restitution” on the benefit of perpetrators. The perpetrators always use money/economic resources to avoid legal processes that can hamper them. One example was the case of termination of the employment contract of a teacher who also member of the GWL INA community. This case has the potential to be won by the victim if it is taken through the judiciary but is finally resolved through informal channels. The victim receives compensation for the remaining wages which is his right to close the case. This choice was made by the victim because there was a strong perception from the victim that the legal process had the potential to prevent her from working elsewhere. On the other hand, the victim tries to avoid public exposure of her case as much as possible and causes her family to know about her sexual orientation and gender expression. However, it should be noted that the success of receiving compensation through extrajudicial negotiations is an improvement that happened due to assistance from community paralegals and assistance from LAO who have a good SOGIE perspective.

In addition to internal barriers stemming from fear of stigma and loss of sources of livelihood, as well as inhibitions by perpetrators, there are several structural challenges for LGBT community to access justice.³⁵ *First*, there are still discriminatory regulations in some areas that trigger acts of persecution but is legally justified as law enforcement. Unfortunately, there has been no record of any legal action being taken against these discriminatory regulations to the Supreme Court. *Second*, the lack of knowledge and capacity of public service providers and law enforcement officials regarding the LGBT community. Lacking of knowledge cause them act

35 Excerpted mainly from several interviews and FGDs with public lawyers and paralegals at the Jakarta LBH and LBH Masyarakat in the period of October and November 2020.

and behave by stigma and prejudice against this community in which affects the way they provide services, treat, and enforce the law against members of the LGBT community. *Third*, there is still corrupt behavior among public service providers and law enforcement officials which is the motive for providing sub-quality services or intentionally criminalizing members of the LGBT community using various existing regulatory loopholes to receive financial benefits.

2.4. Access to Justice for Indigenous Papuan Communities

2.4.1. Human Rights Issues and Access to Justice

The human rights violations of indigenous peoples in Papua identified in the baseline report are the right to participate in development, the right to express in open public spaces, the right to information, the right to land, the right to a healthy environment. Some rights violations continue to occur. However, some of these human rights issues have received responses and resistance from indigenous peoples.

Development planning of Papua still ignores Papuan indigenous peoples whose presence and voice are not recognized and not heard even though the development has the potential to take over land and affect their livelihoods. The absence of Free Prior Informed Consent in the development activities has made the community did not understand what take place around their living space.

The absence of transparency and accountability from the government and the business sector eliminates the space for indigenous peoples' participation and it does make a bad impact on indigenous peoples. There are at least two bad effects: First, it raises suspicion between tribes and a feeling of being threatened at betraying one another. Second, they are deprived from their living space due to marginalization from the development activities.

The social vulnerability in Papua is high. In the baseline, the stigma between 'mountain people' and 'coastal people' as well as non-Papuan migrants and indigenous Papuans has disturb social cohesion, and this is even worst when it collide with land ownership and livelihood competition. In the endline, the stigma and its colliding issues still exist, however, some bridges to connect and bring different groups of people in Papua together start to develop at community level. Community organizing to create public sphere, and raise awareness of bigger structural problems by community-based paralegal has created those bridges.

The indigenous peoples with paralegals and MAJu partners question the transparency of development information through two methods, namely requesting documents through public forums and requesting documents through the procedures of the public information disclosure law. The last method has been exercised by ALDP and the community at Depapre to request

Environmental Impact Analysis (Amdal) document for the development of international port. The request was successfully gone through the process to the dispute resolution process, and finally the information was obtained. This small won has improved Papuan indigenous people in that community awareness on mapping structural issues and how to use formal legal mechanism to resolve the issues. Overall, the transparency situation in Papua is still poor by the act of government and business sector who keep deprive indigenous people from important information.

Human rights violations continue to occur in Papua. Until April 2020, LBH Papua succeeded in identifying 10 human rights violations, of which 7 were related to civil and political rights and 3 related to economic and social rights.³⁶ There were 20 assistances carried out by LBH Papua on actions, hearings and demonstrations carried out by Papuan activists to respond to the violation. However, state responds badly to these actions by criminalizing the activists. There were 3 cases against Papuan activists, including the arrest of 4 USTJ students for the establishment of a command post and free speech stage for the release of Papuan political prisoners on June 15, 2020, and the criminalization of 72 Papuan activists. which is subject to treason. In addition to that, LBH Papua also provided assistance to 18 human rights cases in relation to violence in Intan Jaya throughout 2020.

2.4.2. The Role of Gender in the Papuan IP Community

There is an improvement in the situation of women in indigenous communities in Papua as a result of increasing women's awareness of their rights. In the baseline, Papuan customary culture put women in weak position and this increased vulnerability of women to violence. In the baseline, the issue of domestic violence was considered an internal household issue. Neighbors tend not to interfere in people's household matters, but this kind of issue is widely known because it is become a public gossip. Generally, women do not complain about their cases, or in some cases they are reported to traditional leaders. Although in the endline it is still exist, there is a shift of the community's and community leaders' perspective in resolving domestic violence cases. At the endline, paralegals acknowledged that gossip about humiliating women who reported domestic violence had decreased.³⁷

In the endline, indigenous women who previously tended to be silent of domestic violence are began to dare to act and report their cases to paralegals. Although customary mechanisms are still the main mechanism but women assisted by paralegals have better access to fair customary mechanism, for example, there is better acceptance from local leaders for women who report cases, the local leaders are willing to listen to the victim. During the local resolution mechanism women who are complain about their cases have receive assistance from paralegals. The result

³⁶ MAJu quarterly report no 18 for the period January-March 2020, Documentation report on human rights violations in Papua, LBH Papua.

³⁷ Source: interview with paralegal from ALDP

of the customary mechanism acknowledged by paralegal has given a better sense of justice to the women than before, such as the fines imposed on the perpetrators are much higher.³⁸

There are even attempts to take formal legal steps to resolve the case. Some were able to bring their domestic violence cases to police although they had not yet reached court.³⁹ There is a transformation of knowledge among the Papuan indigenous people that domestic violence cases are customary and public issues and thus it is not private. This change in understanding cannot be separated from the involvement of some of traditional leaders as MAJu paralegals, the paralegals also started to have discussion on the GBV issue with another local and religious leaders who are relatively very close to the community.

Although there has not been a significant shift in gender roles, especially in the household, there has been a strengthening role of women in the public domain. There is increasing number of women involved as paralegals that provide assistance to community members on many cases such as violence against women and children, juvenile delinquency, facilitating access to social assistance, facilitating legal identity documents, and many others. Their role as paralegal opens up space for further involvement in the community, such as being a member of the COVID-19 Handling Task Force. The emergence of female paralegals as community activists with public roles has begun to break gender stereotypes about women.

LBH Papua's efforts to advocate for the right to identity, especially children's birth certificates and marriage certificates, indirectly contribute to the fulfillment of the economic and social rights of women and children. When this endline was carried out, there was also an understanding between paralegals and traditional leaders/Ondo regarding the importance of registering customary marriage to the state. An informal understanding (change of attitude) has been established between LBH Papua, paralegals, executive and legislative in Jayapura district regarding the importance of issuing marriage certificates for customary marriages. In July 2021, LBH Papua facilitated further advocacy to push for a draft marriage certificate policy for customary marriages. Advocacy for state recognition of customary marriages will be potentially improve conditions and protection of women in indigenous peoples. With legal marriage certificate, the women and children can access other rights such as the woman partner (wife) can report to police whenever there is domestic violence involved, and the right for the children being recognized legally as children from legally married parents.

2.4.3. Community Awareness and Capacity

The community's capacity to access justice has increased significantly, indicated by two things. First, the increasing number and capacity of paralegals. Second, the increasing community awareness on using formal justice system to resolve their justice problems. Prior to the assistance

³⁸ Source: interview with paralegal from ALDP and leader of ALDP

³⁹ Source: ALDP paralegal testimony in partners meeting about GBV.

provided by ALDP and LBH Papua, the community's understanding of rights was framed under normative customary norms in which affected the way they solves land tenure and exercising customary dispute resolution. After the assistance of MAJu partners, the community realized that the business investment and national development agenda could potentially pose a threat to the loss of their living space. They are starting to realize the importance of exercising formal justice system to address their problems.

Both ALDP and LBH Papua have contributed to increasing the number and capacity of paralegals in Papua. The number of paralegals trained by LBH in 2017 was 7 people (5 women and 2 men)⁴⁰, while in 2019 there was an increase in the number of paralegals in Sereh village to 25 people⁴¹ On 2021 there is additional 23 paralegals have been trained by LBH Papua. During the program implementation there are 48 village paralegals has been trained by LBH Papua through MAJu Program. Meanwhile, the number of paralegals trained by ALDP in 2017 was 7 people (4 women and 3 men)⁴². On 2021 there is additional training for 14, in total 21 paralegals have been trained by ALDP.

There is increasing skills of paralegals in the case handling process. They have the ability to create a chronology of events and make a summary of the case. Paralegals already know who the stakeholders are to discuss justice issues and how to deal with them. In situations where the case does require a further litigation process, paralegals have access to refer the case to ALDP and LBH Papua. For example, in handling land grabbing cases, paralegals, victims and LBH Papua can share roles to conduct litigation advocacy. LBH spoke at the trial, while paralegals and victims played a role in providing witnesses.

Paralegals from ALDP are starting to emerge and reach out to the community to assist them in dealing with legal issues. In this endline research, ALDP paralegals already have the ability to bring problems to the police. LBH Papua paralegals are quite active in conducting legal education around Kampung Sereh. In addition, they also intensively mediate cases in the community. One of them is mediation on juvenile delinquency case with the airport/Angkasa Pura. The initiative in handling this case received attention from LBH Papua because paralegals were able to provide legal aid and mediation without asking for assistance from LBH Papua. This is one of the most significant improvement.

The Papuan indigenous peoples improved their understanding of the structural and legal analysis of their situation in the national development plan. They become interested in exploring the legal basis that justified development plan, and interested in learning about formal justice system for solving their problems. Community paralegals from ALDP were successful in accessing policy

40 MnE MAJu dataset October 2020 version

41 LBH Papua 2019 report, sourced from the Paralegal Journal of Kampung Sereh, 2019

42 MnE MAJu dataset October 2020 version

makers at the local level. They report their problems through dialogue, hearings with the executive (Regional Secretariat and OPD) and the legislature. Paralegals together with the indigenous Papuan understand how to use non-litigation channels to advocate for their rights, such as reporting to the regional information commission. They succeeded in extracting information to understand the case and use certain perspective when delivering their demands. In addition to documenting cases, LBH Papua Paralegals even have the capacity to provide assistance for intern advocates during court proceedings. Community paralegals from LBH Papua also have direct access to local officials who has responsibility to address certain constitutional rights such as the right to legal identity. The steps taken by the community represent improved knowledge and understanding of the legal basis and mechanisms for accessing justice/fulfillment of rights.

The capacity of paralegals to organize and strengthen communities has also improved. Paralegals demonstrate strengthening skills in victim outreach and organization which are important in handling cases. These strengthening skills are evidenced by the ability of paralegals to garner support from indigenous communities in dealing with human rights perpetrators/violators, arguing with perpetrators and mediating cases through traditional channels. Paralegals are able to mobilize solidarity from alliances.

In terms of tackling cases involving women, some paralegals are able to argue against the police when the victims were offered familial resolution that is a wrong concept of restorative justice. Many times the victims's almost withdraw their report because they were being pressured by the perpetrators. In the context of a patriarchal society in Papua, paralegals have succeeded in using their perspective to encourage GBV cases to be handled in a different way. Although in a general perspective, this customary settlement is not enough to provide a sense of justice for women, the progress has been successfully pushed by paralegals and MAJu partners.

The capacity of indigenous Papua is strengthened by their ability to facilitate inclusion of diverse background of communities. This was happened when LBH Papua paralegals advocated legal identity documents for any citizens in their village. They were not only approaching the officials but also help the officials as well as the citizens to register for legal identity. The facilitation role has been able to bring together indigenous Papua and the non-Papua (migrants or not originally from Papua) to mingle. This is an important progress because heated conflict between 'indigenous Papuans' and 'migrants' are still exist and needs safe space for interaction.

Paralegals also increased their understanding of SOGIE. LBH Papua paralegal was able to provide assistance to trans woman who expressed their gender identity. The quick response from paralegal was actually able to prevent backlash from the community toward the transgender community. This advocacy has created good collaboration between paralegals from indigenous Papua and transgender communities. This intermingling of paralegals on different issues has

started in paralegal training and is continuing. They are often in solidarity with each other in cases experienced by the community.

2.4.4 Mechanisms to access justice

Mechanisms for accessing justice in MAJu's work areas have undergone significant changes. In the MAJu baseline in 2016, no role of paralegals was found in handling injustice issues. However, at this endline, there are already paralegals who have the capacity to advocate on various social issues, to conduct community mediation in various cases ranging from ID cards to public services, juvenile delinquency and crimes.

In the MAJu baseline in 2016 the community still considers the issue of justice as an internal problem, and thus they adopted an in-ward looking solution model which was the customary mechanism. However, with the process of assistance, discussion and legal awareness in the community, an understanding of structural issues as the cause of injustice emerged that transform the way of seeing solutions to onward looking solution model. They are now having more options for solution through formal justice system. For example, in customary land grabbing cases, although it always been done through formal justice system, but now LBH Papua and YLBHI network use international advocacy channel by reporting gross human rights violation to UN. In cases on the right to development, paralegals together with ALDP used an available mechanism for getting public information through the quasi state's institution, Commission of Information. This was an innovation that had never been done before.

However, in handling violence against women and domestic violence cases, the new outward looking means that these cases is no longer considered an internal/household/private issue but also a public issue. In the 2016 baseline, household problems generally became household affairs where victims were afraid of bringing complaints outside their family or household. At this endline, paralegal who used to be party or representing victims play mediator role in customary mechanism. More women also increasingly take their cases to formal mechanism which is reporting to police or filing divorce suit. This progress has expanded access to justice for women and children.

Paralegals has been familiar to refer cases to LBH or police or government service providers. During this MAJu period, LBH Papua established women and children unit to receive and assist victims of violence. By 2020, LBH Papua reported providing legal assistance for 2 cases of VAW, both cases related to law enforcement officers. The first case relates to a violation of the procedures used by the police to imprison women in conflict with the law. The second case relates to sexual violence by law enforcement officer who had higher position and power. Overall, the efforts that LBH Papua has taken is obviously expanding access to justice for women and children, although not many reach to court hearing.

2.4.5. Obstacles

In the case of domestic violence or VAW, the obstacle comes from the perpetrators who keeps threatening the victims to withdraw the case. Revocation of complaints by victims when they have been reported to the police is quite common. Intimidation by perpetrators is usually related to economic threats and children's rights. Even in cases where the perpetrator is an official, an attempt to get the victim to withdraw the complaint occurs by involving the law enforcement officers.

One of the obstacles in accessing justice in Papua is that the police and service providers for women victims of violence (P2TP2A/UPTD PPA) do not yet have a gender perspective in favors to women. Many times these two institution have taken side to perpetrators with many reason, such as blood relative and enforcing wrong concept of “restorative justice” which the police must not use to handle cases of violence against women. The wrong understanding of restorative justice does not guarantee non-repetition by the perpetrator and does not have an impact on recovery and empowerment for victims. This shows that law enforcement officers and institutions authorized to provide protection for women victims of violence lack an understanding of the mechanism for protecting women victims of violence.

The state still ignores the application of human rights and good governance in development process. In the context of Papua, the government still applies a militaristic and repressive approach to respond to criticism from Papuan activists. The eviction of living space in the name of development/land grabbing by the land mafia continues. In the 2020 record, LBH Papua showed that there were 4 cases related to land and mining. At the baseline in 2015 there were 4 land cases that were processed in the Administrative Court. At demonstrations related to mining, there was even a tendency to use military instruments/violence by the state to silence the human rights movement/ and a separatist stigma on human rights defenders/groups that voiced Papuan independence/criticizing local government development strategies.

2.4.6. Perception of Justice

There is a change in people's perception of justice, generally showing an increased sense of justice. This improvement in perception was contributed by the village paralegals who opened up public access to legal and justice information. The existence of village paralegals along with LBH Papua and ALDP opens space to fight for justice for everyday problems as well as structural justice issues.

The Papuan indigenous community's perception of justice is divided into two perceptions. The first relates to the issue of daily justice in their internal community, and the second is the issue of justice that relates to national interest or public interest. For the first issue, the community is satisfied because 1) they can get a more open mechanism to access justice, 2) their complaints get channels and 3) there are parties who defend their rights. Violence against women and

domestic violence cases find a wider solution than only customary mechanisms and formal legal mechanisms accompanied by paralegals. People even feel empowered to solve their own problems when community members are involved to support them, such as when mediating child delinquency with airport management. Obstacles in access to justice due to the absence of legal identity documents have also been facilitated, this opens up opportunities for access to social protection to be fulfilled.

In the second issue related to structural issues, the public's perception of the sense of justice is still lacking, although there was small win when the community won the case for public information. This sense of justice is still far from being fulfilled due to the long legal challenges that indigenous peoples had to face until this case can be processed by law. Moreover, there is no indication of improvement in development governance in other projects, which will result in the recurrence of problems in the future. They also feel the position of indigenous people is not equal to the state because of the stigma and racism by state officials to Papuan. Recognizing the difficulties of addressing many human rights violation, this struggle for justice requires assistance from a network of human rights defenders/legal aid providers who have legal technical capacity/competence to provide legal assistance and proceed in court.

III. GENDER CAPACITY AND SOCIAL INCLUSION OF ADVANCED PARTNER INSTITUTIONS

3.1. Gender Policy and Social Inclusion in Organizations

MAJu is aimed to protect the rights of minorities including LGBTI, women, indigenous, and REM, and later PLHIV, difable become crosscutting targets. Therefore, the mainstreaming of gender, social inclusion and SOGIE is important to partners. MAJu conducted several trainings on these issues.



Figure 3 GESI Policy in Partners

admitted that they did not know or did not have a gender policy and social inclusion in the organization.

Most of the staff are aware of the existence of gender and social inclusion policies. The commitment to gender integration and social inclusion is also seen below that gender and social inclusion have become an important consideration in the organization and have an impact on the work of each staff. In the context of power relations, the survey shows very good results, where positions with greater power in the organization's management such as directors, coordinators, managers, team heads, and chairpersons feel that gender has been a consideration and has an impact on their staff.

Actually, the masculine LAO culture at baseline has undergone many changes. In this endline, we found men legal aid providers who have strong gender perspective and have the expertise to provide assistance services for women and LGBT groups who report their cases. Even though

Gender mainstreaming and social inclusion have become part of partner organizations. In the graph aside, it can be seen that the majority of partner organizations have policies related to gender and social inclusion, including their relation to the rights of the majority group. When compared with the baseline data that the majority of partner institutions have relatively integrated gender in program implementation, MAJU has partnered with organizations that can support the work of the MAJU program. However, despite the small percentage, 5.9% of respondents

the survey results from staff side are very good, there are still opinions from paralegals, which was quite large in percentage, that gender considerations have not yet brought impact on way of the staff work.

Table 3 Gender as Consideration in the Partner Organization

Gender has become an important consideration that has an impact on the work of each staff				
Position in Organization	No	Do not know	Yes	Total
Staff	16%	10%	74%	100%
Manager or Coordinator	13%	0%	88%	100%
Team leader or Managing Director	0%	0%	100%	100%
Paralegal	50%	0%	50%	100%
Legal Aid Servant	6%	0%	94%	100%
Director/Coordinator	9%	0%	91%	100%
Volunteer	0%	0%	100%	100%

Most MAJu partners have developed gender responsive policies both internally and in victim assistance. However, some staffs at DPC Peradi Tasikmalaya and LBH Bandung still stated that the institution did not yet have a gender and social inclusion policy. On the other hand, this endline found that in the 3 institutions, there are good practices of gender equality and social inclusion, for example at LBH Bandung encouraging women's leadership, ELSAM encouraging and being responsive to staff from sexual minority groups.

In general, the position of women and men is quite balanced at the senior management level which includes managers, team leaders, coordinators, chairmen, and directors. This is a good indication of equal opportunities and access between men and women, which has the potential to open wider access to gender-aware policies and decision-making and social inclusion. However, there is a lack of transgenders and non-binaries at all position levels. Number of transwomen and non-binary individuals are still very few compared to male and female individuals who work in partner organizations. During this period YLBHI also provided mentoring for women's leadership in both its institutional structure and the LBH Office. In 2020, female directors were elected in 3 LBH, namely LBH Semarang, LBH Bali and LBH Bandung. In the midst of strong tendency of masculine characters in the human rights movement, they present the figure of a female leader in LBH.

In all LBH offices (under YLBHI), GESI is mandatory in their educational curriculum of KALABAHU (Legal Aid Training). The KALABAHU is trained for anyone who wants to join

LBH so since beginning, the cadres would have basic understanding and partiality to human rights and gender. Rifka Annisa, LBH Masyarakat, LBH Apik, and ELSAM stated that they had internal policies related to GESI. The policy is written in the regulations, including in the SOP/Mechanism for Handling Cases of Violence against Women and the organizational strategic plan.

Respondents who stated that gender was not a consideration in working for MAJu partners were finance and client service staff, this indicates that capacity building has not been evenly distributed to reach staff who do not work directly on the program. Despite some improvements, MAJu partner organizations still have to make some improvements, including in programs planning that involve women groups and other marginal minority groups in a balanced composition, better training opportunities for women and other minorities and marginal groups, encouraging the existence of organizational rules such as special standard operating procedures that regulate and promote gender equality and social inclusion.

3.2. Gender Integration and Social Inclusion in Programs

Gender awareness and social inclusion of MAJu partner institutions have improved significantly compared to conditions at the baseline. For example, with the written vision and mission of gender integration and social inclusion, SOPs for program implementation, SOPs for handling cases, regular gender and social inclusion training in organizations and so on. Furthermore, apart from organizationally, the survey results also show that considerations of gender values and social integration have been adequately integrated into the scope of work by most partner organizations. This is certainly a good practice and can be continued with its implementation and strengthening. However, it should be noted that female staff consistently feel that gender integration has not been fully implemented. Only half of the female staff feel that gender considerations and social inclusion have been carried out by the organization completely.

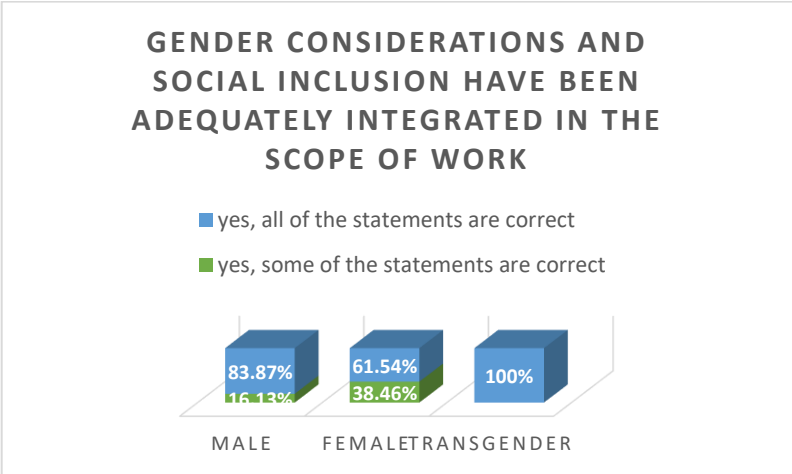


Figure 4 GESI Integration

The integration of GESI in the program can be found at LBH Jogjakarta, LBH Semarang and Papua. These three LAOs previously tended to be masculine and only focused on the use of economic, political, and legal analysis for some structural cases. In Endline, there is practice to use gender analysis in identifying problems and solutions for resolving structural cases. LBH Semarang and LBH Papua began to have gender mainstreaming, for example through discussions, one of which was increasing the discussion on women issues. Another integration that was also recorded was the activity of LBH Semarang and LBH Jogjakarta in the national event “Sidang Rakyat (People’s Court) of the Elimination of Sexual Violence Bill (RUU PKS)”. Some organizations such as LBH Apik, Rifka Annisa, LBH Masyarakat have been had strong engagement with women's groups and gender and sexual minority groups and had procedures to provide services for vulnerable/marginalized groups. However, although the network of women crisis center/FPL has been working for women, but they were new to social inclusion. Under support of MAJu, FPL staffs and paralegals in West Java, East Java and Central Java received training on SOGIE and religious freedom so they can provide services for women victim of violence from religious ethnic minorities and LGBTI communities. This is how they integrate social inclusion into their services.

Meanwhile, several LBHs (offices) have seen more rapid progress on the issue of GESI. For example, LBH Semarang, LBH Bandung, LBH Surabaya, which previously did not handle many cases of gender and sexual minorities, in this MAJu program they provide services and legal assistance and even recruit paralegals from trans women and other sexual minorities. Meanwhile, the collaboration of LBH Yogyakarta with trans women groups remains strong as at baseline. Applying a balanced gender composition and a balanced number of target group in each training have made the process of acceptance the minority groups/MAJu target groups and legal aid providers (lawyers/paralegal) increased along with increased understanding of various marginality situations among target groups.

3.3. Gender Focal Points and Strengthening Gender Capacity and Social Inclusion

The interest of partner organization staff in gender and social inclusion also needs to be taken into account. Almost all staff from all genders are very interested in the issue of gender and social inclusion, this is a significant modality for the organization in carrying out programs and implementing visions related to human rights and equality. Some staff who have little interest in the issue of gender and social may have little understanding of gender and social inclusion that the organization is fighting for. This challenges the organization leadership to increase the mainstreaming internally. If examined further, staff who are not interested or slightly interested are not the focal point of the MAJU program or gender focal point.

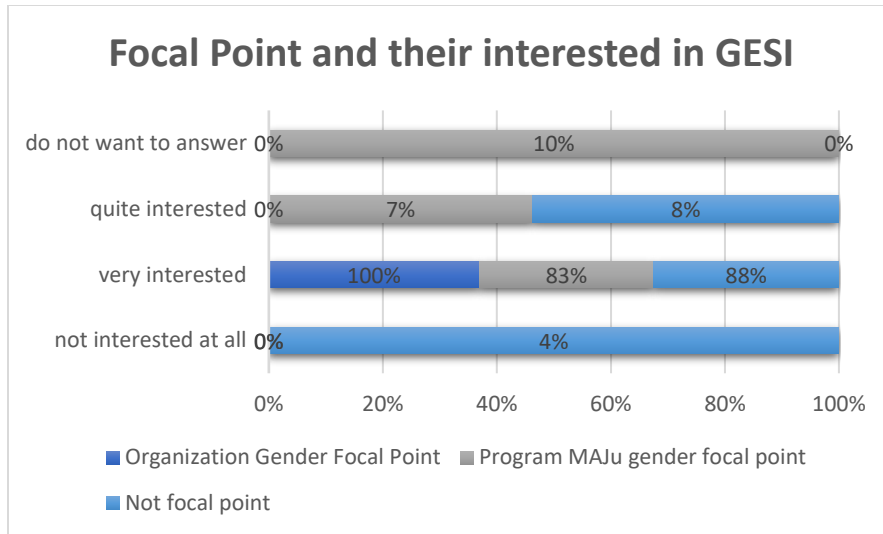


Figure 5 GESI Focal Point

The existence of gender focal points is the key to success in opening access to inclusive justice. Gender focal points contribute to ensuring the sustainability of gender awareness and social inclusion in the organization and staff can contribute to the achievement of the MAJU program. Around 19% of respondents consisting of program managers, directors, volunteers and finance staff have never attended gender training. The non-participation of the director in gender training is considered a risk in advocacy work on women's cases. However, partners are trying to improve their capacity by conducting internal discussions. Individually they also learn a lot by self-learning through YLBHI publications and case handling. As many as 65% of respondents answered that they had attended training on the protection of the rights of minority groups (disabled, elderly, other minority groups). Meanwhile, 35% of respondents have never received the training. Training as an effort to strengthen gender awareness for partner organizations and program implementation is very important and significant. This survey result shows that staffs considered the training was very useful to increase their capacity to integrate gender into work. Eighty-one percent of staff stated that GESI training contributed to their work. Only around 3% stated that training was not useful. Meanwhile, 16% have never attended training.

IV. WORKING CAPACITY FOR ACCESS TO JUSTICE

4.1. Capacity of Legal Aid Organization Partners

The availability of legal aid services is a universal indicator in measuring people's access to justice according to various international instruments. Considering the importance of the position of legal aid in realizing public access to justice, in this endline study, therefore, it is very relevant to review the capacity of the MAJu LAO partners.

MAJu works with several legal aid organizations in several areas to provide direct legal aid for MAJu target groups: (1) LBH Jakarta, (2) LBH Bandung, (3) LBH Semarang, (4) LBH Surabaya, (5) LBH Yogyakarta, (6) LBH Papua, (7) LBH Masyarakat, (8) LBH APIK Jakarta, (9) Rifka Annisa, and (10) DPC Peradi Tasikmalaya. Six of the 10 (ten) MAJu LAOs partners are LAO under the auspices of the Indonesian Legal Aid Foundation (YLBHI). Therefore, a capacity assessment of YLBHI will also be reviewed in this section.

There will be two aspects to look at the capacity of the institutions to strengthen access to justice, which are: (1) the strength of human resources working to provide legal aid services, (2) LAO accreditation status at the National Legal Development Agency (Badan Pembinaan Hukum Nasional/ BPHN).

4.1.1. Human Resources (HR) Capacity

A review of HR capacity is carried out by looking at the number of personnel in partner institutions whose main function is to provide legal aid services in litigation and non-litigation mechanism. A review of the human resources capacity of MAJu LAO partners was carried out by making adjustments to the methods used by each institution to present and classify their personnel.⁴³ The grouping of personnel working to provide legal aid services mentioned in the YLBHI Annual Report for the period 2017 to 2019 consists of: advocates/prospective advocates (PBH/pengabdian Bantuan hukum/legal aid servant), non-advocates (PBH), admin staff, assistants/apprentices/volunteers, and paralegals.⁴⁴

⁴³ Legal aid organizations under the auspices of YLBHI, for example, have had a fairly standardized pattern of presentation and grouping of personnel since 2017. However, in 2020, the grouping of personnel in office LBHs presented in the YLBHI Annual Report underwent a change.

⁴⁴ Excerpted from "Law and Human Rights Report 2020 & Projections 2021," Jakarta: YLBHI, 2019, p. 7. Advocates/Prospective Advocates, are Legal Aid Servants (PBH) at office LBH-LBH, who have attended Kalabahu training, and then successfully passed the selection to become PBH. Non Advocate, is PBH at office LBH-LBH that does not have the status of an advocate or prospective advocate. Admin Staff, are personnel at LBH-LBH offices who have administrative functions to support the implementation of the main functions of LBH offices. Included in this category are personnel who work in finance, staffing/office managers, data centers or libraries, as well as other general staff. Assistants/Apprentices/Volunteers are personnel at office LBHs who previously did not participate in the Kalabahu process and were limited to serving only 3 (three) to 6 (six) months. Paralegal, is someone who is an

4.1.1.1. Capacity of LBH Offices Under YLBHI

YLBHI as the oldest institution that seeks to provide legal aid services for vulnerable groups, certainly has a very important position in strengthening access to justice in Indonesia. Especially since March 1980 the institution was upgraded by its founders to become a foundation that oversees the offices of legal aid institutions in several regions.⁴⁵ After 2020, YLBHI added two LBH offices in Samarinda, East Kalimantan, and in Palangkaraya, Central Kalimantan, currently YLBHI oversees 17 LBH offices throughout Indonesia. Therefore, the institutional support provided by MAJu for YLBHI indirectly has an impact on all LAO offices under the auspices of YLBHI, specifically the 6 (six) LAP offices that are MAJu partners.

To implement the organization's vision and mission, including coordinating the implementation of legal aid services organized by LAOs offices as well as policy advocacy as well as legal and democratic issues at the national level, YLBHI's human resources capacity strength from 2017 to 2020 is around 15 to 17 people. Meanwhile, the overall organizational capacity of YLBHI from 2017 to 2020 can be seen in the following table.

Table 4 Human Resource Capacity of LBH-YLBHI Offices⁴⁶

Personnel/Year	2017	2018	2019	2020
Advocate/Prospective Advocate	140	140	131	189
Non Advocate	32	43	61	60
Admin Staff	49	50	32	
Assistant/ Volunteer	95	103	65	78
Total	316	336	289	316

Observing the data in Table 4 above, on the number of legal aid workers who are advocates/prospective advocates and paralegals throughout Indonesia, there is a trend similar to the trend in the six MAJu LAO partners. There is an increase in the number of advocates/prospective advocates between 2017 and 2020 by 35%, from 140 people to 189 people. Meanwhile, the number of paralegals decreased by 27%, from 608 in 2017 to 445 in 2020. This decline in the number of paralegals is a common phenomenon in Indonesia, because there is an increasing systematic threat to human rights defenders in Indonesia.⁴⁷ On the other

extension of the community. A paralegal does not have to be a law graduate. However, members of the community/community who take critical legal education and paralegal training organized by the LBH office and then return to their community to do advocacy

⁴⁵ Abdulsalam, Husein, "Jejak Advokasi YLBHI dan LBH Jakarta," <https://tirto.id/jejak-advokasi-ylbhi-dan-lbh-jakarta-cwSm> diakses 12 Juni 2021.

⁴⁶ YLBHI Annual Report 2017 - 2020

⁴⁷ Based on the study of Amesty Internasional, Between February 2019 and 21 September 2020, at least 201 human rights defenders and social justice leaders were victims of threats and attacks, both offline and online. Source: https://www.amnesty.id/wp-content/uploads/2021/04/202021-air-english_2021-03-15_EMBARGO-2.pdf

hand, the state does not have rules to protect human rights defenders. However, the paralegal training by MAJu contributed to efforts to improve the number and quality of human rights defenders at community level. Methodologically, paralegal records are inconsistent. The number of paralegals recorded by YLBHI and some LAOs has been verified in the last 5 years, so the number of registered paralegals is in accordance with existing paralegals. Before 2016, the number of paralegals had never been verified.

In terms of the capacity of human resources in the 6 MAJu LAO partners, we can see the detail as follow:⁴⁸

Table 5 Human Resource Capacity of each LBH-YLBHI Offices that MAJu is partnering with

Personnel Group	LBH/ Year	2017	2018	2019	2020
Advocate/Prospective Advocate	LBH Jakarta	13	13	13	23
	LBH Bandung	12	12	11	10
	LBH Semarang	3	3	9	12
	LBH Yogyakarta	6	4	6	18
	LBH Surabaya	6	8	8	11
	LBH Papua	6	6	4	9
Total Advocate/Prospective Advocate		46	46	51	83
Non Advocate	LBH Jakarta	4	4	17	15
	LBH Bandung	5	5	4	4
	LBH Semarang	0	0	1	4
	LBH Yogyakarta	3	2	2	5
	LBH Surabaya	2	0	0	5
	LBH Papua	3	3	0	5
Total Non-Advocate		17	14	24	38
Staff/Admin	LBH Jakarta	9	9	0	0
	LBH Bandung	4	4	4	0
	LBH Semarang	4	4	4	0
	LBH Yogyakarta	3	3	3	0
	LBH Surabaya	2	5	5	0
	LBH Papua	3	3	3	0
Total Staff/Admin		25	28	19	0
Assistant/ Volunteer	Apprentice/ LBH Jakarta	14	14	9	4
	LBH Bandung	2	2	1	0
	LBH Semarang	9	9	5	1
	LBH Yogyakarta	10	18	19	11

⁴⁸ Source: YLBHI annual report 2017-2020.

	LBH Surabaya	4	3	4	5
	LBH Papua	0	0	5	5
Total Assistant/ Apprentice/ Volunteer		39	46	43	26

In most of the LAO partners who are part of YLBHI there has been a significant increase in the number of advocates. In LBH Jakarta and LBH Surabaya the number increased by 200% compared to baseline, even in LBH Yogyakarta it increased by 300% and LBH Semarang increased by 400% While in LBH Bandung slightly decreased. Overall, this increase indicates that LBH is paying great attention to the number of PBHs and increasing PBH capacity.⁴⁹ Meanwhile the number of volunteers decreased by 30%. LBHs had difficulty recruiting volunteers. This is in line with the trend of decreasing general youth/student interest in working in social and justice movement. However, there is strong potential that LBH can still produce volunteers as long as recruitment is more frequent and transparent.

The data from YLBHI's annual report are not in line with the endline findings regarding the increase in the number of paralegals. This needs to be clarified to YLBHI regarding the method of collecting paralegal data. This endline finds that in 2021 LBH Papua is still taking care of their paralegals in Sereh village. However, no comparison data was found in the MAJu M&E dataset.

During the cooperation with MAJu, LBH Papua has different organizational management challenges and socio-political pressures. There was a vacancy in the management of LBH Papua, and to make sure the transition was smooth as well as the transition follow internal regulation, YLBHI took over to prepare the transition.⁵⁰ The political and security situation faced by PBH and paralegals has not changed compared to the period before receiving MAJu support. For example, LBH Papua activists are still stigmatized as traitors to the nation and separatists because of their support for human rights activists who advocate for democratization and the struggle for independence.⁵¹ This pressure makes them not free to advocate and provide legal assistance.

4.1.1.2. Other MAJu partner OBH capacity

Besides LBH offices under YLBHI, MAJu also provides support for other organizations/OBHs such as LBH Masyarakat, LBH APIK Jakarta, Rifka Annisa, and DPC Peradi Tasikmalaya. from the assessment, there was increased number of personnel in those organizations. Based on the

⁴⁹ The presentation of HR data at office LBHs in YLBHI's annual report for 2020 has been modified and has a different categorization from previous years. This modification includes eliminating data on the number of personnel in the Staff/ Admin category. Therefore, it can be seen that the number of Staff/ Admin in 2020 for all office LBH is 0 (zero). The category of Staff/ Admin personnel in 2020 seems to be categorized in the Non-Advocacy/ PBH Staff — which in the table above is included in the non-advocate category.

⁵⁰ YLBHI was provides leadership transition assistance in Medan and Manado

⁵¹ Source: interview with LBH Papua

2017 to 2020 Annual Report, the average number of human resources at LBH Masyarakat was 18 (eighteen) in 2017 to 2019, and 6 of them were lawyers.⁵² In 2020, the number of LBH Masyarakat personnel was reduced to 15 people, but the number of public lawyers increased to 7 (seven) people.⁵³ Besides that, LBH Masyarakat also provided training for 13 paralegals throughout 2019 and 2020.⁵⁴ This increase in the number of lawyers shows that LBHM has strengthened its capacity to provide legal services compare to the baseline situation. In addition, the presence of paralegals shows that LBHM has expanding access to justice at the community level even though the number of LBHM staff has decreased.

In terms of quantity, the HR capacity of LBH APIK Jakarta has gradually increased in the period 2017 to 2020. This situation contributes positively to increasing the number of victim services provided by LBH APIK. Rifka Annisa in the MAJu program supported programs for FPL⁵⁵ in Central Java, Yogyakarta Special Region, and East Java. In East Java alone, Rifka Annisa is connected to 17 service provider organizations.⁵⁶ There are indications that the strengthening capacity of Rifka Annisa in accessing justice for women and other marginalized groups has also strengthened the capacity of access to justice for FPL members/ service provider organizations within the MAJu working area, such as capacity in providing assistance to GBV cases among religious minority groups as well as gender and sexual minority groups.

DPC Peradi Tasikmalaya had 20 fostered LAO, of which three had been accredited by BPHN. During the collaboration with MAJu, they also pioneered the establishment of 10 legal aid centers (posbankum) in 6 villages in Cigalontang Sub-regency.⁵⁷ Throughout 2019, with the support of MAJu, DPC Peradi Tasikmalaya managed to organize training for 75 paralegals.⁵⁸

4.1.2. Accreditation and Access to BPHN Legal Aid Funds by OBH Partners

Access to the legal aid fund provided by the state is a very important aspect in the sustainability of legal aid services provided by LAO. All MAJu LAO partners have been accredited by BPHN so that they are eligible to access the legal aid budget provided by the state. However, in the last two accreditation periods, in 2016 and 2019, there has not been a single LAO accredited A. In the 2019-2021 accreditation period, of 9 (nine) MAJu LAO partners, only LBH Jakarta was accredited B. Moreover, most of them show a downward trend of reimbursement legal aid fund in BPHN. Only LBH Semarang showed on the contrary from 2018 to 2020. The complete status of accreditation and the amount of legal aid budget received by MAJu LAO partners per year can be seen in the following table.

52 LBH Masyarakat Annual Reports for 2017 and 2018, as well as the results of filling out the MAJu money form filled out by LBH Masyarakat for 2019 and 2020.

53 The results of filling out the MAJu money form filled out by LBH Masyarakat for 2019 and 2020.

54 The results of filling out the MAJu money form filled out by LBH Masyarakat for 2019 and 2020.

55 Both LBH APIK Jakarta and Rifka Annisa are part of the Service Provider Forum network (FPL) for women victims of violence.

56 2nd Interim Report on Rifka Annisa, by Circle, November 2020.

57 2nd Interim Report on Rifka Annisa, by Circle, November 2020.

58 The results of filling out the MAJu money form filled out by DPC Peradi Tasikmalaya for 2019

Table 6 Accreditation and Reimbursement

OBH/Year	Accreditation		Access Legal Aid Budget			
	2016 ⁵⁹	2019 ⁶⁰	2017	2018	2019	2020
LBH Jakarta	B	B	Rp80,000,000	Rp95,540,000	Rp90,680,000	Rp 36,724,000
LBH Bandung	C	C	Rp4,900,000	Rp20,390,000	Rp8,124,000	Rp 9,860,000
LBH Semarang	C	C	N/A	Rp15,000,000	Rp17,705,000	Rp 37,320,000
LBH Surabaya	C	C	N/A	N/A	Rp25,000,000	N/A
LBH Yogyakarta	C	C	N/A	Rp15,000,000	Rp8,619,000	Rp 9,000,000
LBH Papua	B	N/A	N/A	N/A	N/A	N/A
LBH Masyarakat	N/A	C	N/A	N/A	N/A	N/A
LBH APIK Jakarta	C	C	Rp13,600,400	Rp42,000,000	Rp22,000,000	Rp 30,000,000
Rifka Annisa Women Crisis Center	C	C	N/A	N/A	N/A	N/A

MAJu LAO partners were little reluctant to increase the accreditation status because of there is change in the case claim/reimbursement method from BPHN that prevent partners from getting reimbursement. There is also a tendency for MAJu partners to maintain their accreditation status at C to adjust to the number and capacity of managing PBHs in the office.

4.2. Capacity of Non-Legal Aid Organization Partners

As in the first and second baseline studies, non-LAO partners such as ELSAM, YAPPIKA, Arus Pelangi, Suara Kita, GWL-INA, Rifka Annisa and several FPLs have adequate capacity to conduct research, outreach, community organizing and conduct or assist marginal group advocacy activities. This can be seen from the consistency of their activities and the output of their activities in the 2016-2020 period.

⁵⁹ Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-01.HN.03.03 of 2016 concerning Legal Aid Institutions/Organizations that Passed Verification and Accreditation as Legal Aid Providers for the 2016 to 2018.

⁶⁰ Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-01.HH.07.02 of 2018 concerning Legal Aid Institutions/Organizations that Passed Verification and Accreditation as Legal Aid Providers for the 2019 to 2021.

Yappika and its network, ELSAM, PSHK, have been working together under Coalition for Freedom of Assembly and Association to monitor the implementation of Mass Organization Law as well as advocacy for the strengthening the enabling environment for CSO to work. They have an annual research series on the situation and condition of the freedom of assembly and association (KKB) in Indonesia, in relation to the shrinking democratic space. This provides the basis for advocacy for refinement the Mass Organization Law and promoting the importance of the Association Bill (RUU Perkumpulan). At the same time, they also have been working long for public service improvement. Now working with LGBTI groups who are key population of HIV/AIDS under MAJu, they conducted several activities to assist LGBTI groups to monitor public services in health sector and legal identity services. They also produced guidelines and trained the groups on policy brief making, develop advocacy plan with communities and/or companion groups, and monitoring public services in health and legal identity sector. KKB has opened spaces for dialogue and initiated the formation of a working group for advocacy for public services in the health sector with gender minority groups and PLWHA with the Ombudsman Republik Indonesia (ORI).⁶¹

Book on the mitigation of the right to freedom of assembly and association is available, as well as the first and second drafts of standard norms and settings for the right to freedom of assembly and association with Komnas HAM. It provides guidance on how to integrate cost and benefit analysis (CBAs) into government programs, and for CSOs to monitor their implementation and quality.

Meanwhile, since baseline study, ELSAM had been working and then keeps working with the National Alliance for Penal Code Reform (RKUHP) to reform RKUHP. Since 2016, they started to identify potential human rights violations, especially against 4 (four) vulnerable groups of MAJu target groups, including religious minorities, sexual minorities, and indigenous peoples in the RKUHP. The points of the proposed KUHP reform were not accommodated and remained a polemic, but CSOs under the coordination of ELSAM were able to form a new stream of public discourse regarding this.

ELSAM has also digitized the results of human rights studies since 2016. Until 2020, a total of 1008 cases have been digitized. It is projected that an additional 150 cases are digitized every year. Unfortunately, this digital data has not been well integrated in the human rights database managed by Komnas HAM, due to differences in methodologies and approaches to documenting human rights violations.

Suara Kita conducts outreach and provide assistance to the LGBT community including in case handling. Their staff is not large, but they have a network of connectors, SAHABAT KITA, which organizes and bridges the LGBT community with Suara Kita or other supporting

⁶¹ this working group has not been successfully formed, there are indications of resistance from ORI regarding the SOGIE training plan for ORI

communities. From November 2018 – December 2019, they have handled 76 cases of the LGBT community, 26 in health issues, 18 in legal cases, 28 cases for counseling and 4 in terms of legal identity. This was contributed by expertise in various fields such as health (22 people), General Law assistance (9 people), Counseling (18 people), Legal assistance/lawyer (5 people), and others 7 (people). They also have 22 referrals for services consisting of 6 institutions and 1 personal referral center for legal assistance, and legal identity, 8 institutions for health, 7 for counseling assistance.

Suara Kita campaign through blue broadcasts during 2018 was watched by 10,065 visitors. In May, 6 broadcasts were carried out with 14,927 visits. In June, 1 (one) broadcast with 259 views and July 2 (two) broadcasts with 790 visitors. In November 2018 - January 2019, 6 broadcasts with an audience of 11,386 LGBT community people and 2 (two) Instagram broadcasts watched by 88 people, while for the spread of positive content in the form of memes as many as 25,000 people in 3 months.

GWI-INA that works mostly with key population for HIV/AIDS, is engaged in capacity building for representatives of community-based organizations (Organisasi Berbasis Komunitas/ OBK) as well as peer leaders for facilities and community advocates. They are equipped with SOGIE perspectives, human rights and advocacy as well as outreach processes. To respond to the crisis they developed an on-line service, which offers opportunities for GWL Individuals, including for PLWHA GWL to connect with Support and Information Services, through the www.guebisa.org website, the guebisa Instagram account, and the guebisa Facebook page. This overcomes the problem at the beginning of the program where the LGBT community did not have a quick mechanism to respond to violent emergencies carried out by mass organizations and the state, while the number of paralegals or support groups was very limited.⁶² This information service expands options for the LGBT community which at the beginning of the program (baseline 2018) were still carried out by support groups or paralegals.⁶³

Networking has also grown in the last 3 years, and the sharing of resources and capacities between MAJU partners has become more evident. For example, YAPPIKA, which is experienced in research and advocacy, trains and assists GWL-INA and its network, Sahabat Pelangi to monitor the delivery of basic rights services for the LGBT community, especially the fulfillment of health rights. The violence cases of the LGBT community assisted by Suara Kita receive assistance from their networks such as SAHABAT KITA, and if it continues to the litigation process, they get assistance from LBH APIK or LBH Masyarakat. GWL-INA received support from LBHM and LBH for both advocacy and human rights training, as well as assistance in legal cases for the LGBT community. LGBT connectors who have long been organizers and facilitators of the LGBT community received paralegal training and documentation from Suara

⁶²Compare with Baseline Study- Access to Justice of LGBT Community p. 25

⁶³ Ibid

Kita presenting resource persons from LBH Apik or LBH Jakarta. Counseling services for traumatized victims can be accessed from Yayasan Pulih, the network of LBH Apik Jakarta or from internal SAHABAT KITA.

Suara Kita, GWL INA and their assisted communities with the support of YAPPIKA engage with policy makers or policy supervisors of the Ministry of Health, (PSK, GWL Ina), Ministry of Social Affairs (PSK, GWL Ina, Yappika), Komnas HAM (PSK, Yappika), Ombudsman (Yappika, PSK), the Ministry of Law and Human Rights and Commission III of the Indonesian House of Representatives (Elsam), the Legislative Council of the House of Representatives (Yappika). They were also involved in exchanging experiences and data on the health sector and also reporting the finding of maladministration in health sector with the Ombudsman (PSK, Yappika, GWL Ina). The RKUHP Reform Alliance (Elsam) became the leader in the RKUHP discussion process (the results of the study were referred to by Ministries/Agencies and the legislature), involving many other CSO groups. It is clear that the process towards closer cooperation among MAJu partners is starting to take place.

V. INDICATORS

Indicators	Dataset	Description
1	Number of individuals or groups from marginalized target communities who received legal aid or victim assistance with USG support under MAJu	17,706 groups and individuals. The details are as follow: <ul style="list-style-type: none"> • REM: 139 • LGBTI: 481 • LGBT-HIV:1327 • Women: 5743 • Women-HIV: 4 • Indigenous People: 754 • Intersects of target groups and others: 9242
2	Number of incidents of human rights violations against target groups being assisted by MAJu partners	718 human rights incident assistance The details are as follows: <ul style="list-style-type: none"> • Indigenous People: 2 • LGBTI groups: 32, • REM: 36 • Women's: 537 Assurances for other incidents: 111
<p>Intermediate Outcome 1.1: Improved CSO capacity to protect the rights of MAJu target groups</p>		

5	Number of human rights defenders (including paralegals) trained and supported under MAJu	<ul style="list-style-type: none"> ● 7316 female paralegals, 338 male paralegals, and 62 paralegals from gender and sexual minorities. ● Details of the number of paralegals by target group are as follows: <ul style="list-style-type: none"> ➤ Paralegals key population support group: 224 people ➤ Paralegals of women group: 103 people; ➤ Paralegals for women's key population support group: 22 people ➤ Paralegals of women's groups supporting religious freedom: 15 people; ➤ Paralegals of religious freedom groups: 115; ➤ Paralegals of the village religious freedom: 43 support group (Posbankum/legal aid post in the village) ➤ Paralegals for indigenous people (IP): 71 people ➤ Paralegals from marginal groups who handle MAJu target groups and cross issues such as villages, land, environment, urban poor, and agrarian: 123 people
---	--	---

Intermediate Outcome 1.2:

Increased number of LAOs accredited to provide legal aid.

10	Status of accreditation and the number of accredited LAO	<p>9 accredited LAOs, details as below:</p> <ul style="list-style-type: none"> ● MAJu partner LBH accredited B in 2016 and 2019 is LBH Jakarta. ● MAJu partner LBHs accredited C in 2016 and 2019: LBH Yogyakarta, LBH Semarang, LBH Bandung, LBH Surabaya, LBH APIK Jakarta, and Rifka Annisa. ● LBH Masyarakat and DPC Peradi Tasikmalaya have not yet received accreditation in 2016, but in 2019 it was accredited C.
11	Number of CSOs from MAJu provinces claiming reimbursement for legal aid services	Eight MAJu partners who received legal aid funds.
12	% increase in the amount of reimbursement from the state budget of funds for partner CSOs' legal aid cases for litigation and non-litigation related costs	<p>The total amount of legal aid funds received by MAJU partners for the eight partners is Rp. 617,462,600,000.</p> <ul style="list-style-type: none"> ➤ LBH Jakarta for four years received a total of Rp 302,944.000,00.

		<ul style="list-style-type: none"> ➤ LBH Bandung received Rp 43,274,200.00 in four years ➤ LBH APIK Jakarta received bank funds of Rp 107,600,400.00 for four years. ➤ LBH Surabaya and LBH Masyarakat received legal aid funds in the third year of the program: LBH Surabaya Rp. 25,000,000.00 and LBH Masyarakat: Rp. 7,000,000.00. ➤ LBH Semarang and LBH Yogyakarta received the funds in the second to fourth year of the running program with the following details LBH Semarang: Rp70,025,000.00; ➤ LBH Yogyakarta: Rp.32,619.000.00. ➤ Rifka Annisa received in the third and fourth years with a total of Rp.29,000,000.00.
--	--	---

Intermediate outcome 2.2:

Strengthen the information management and analytic capacity of the GOI, state auxiliary bodies, and CSOs to produce reliable and verifiable human rights data

22	Number of human rights incidences digitally documented as result of MAJu	
26	Number of partner CSOs and networks facing difficulties in implementing their work due to the regulatory framework	All MAJu partnes
27	Number of program activities held to improve CSO understanding of the enabling environment for NGOs as a result of USG support under MAJu.	6 activities

Description and Disclaimers of each indicator

- **Indicator 1** shows the total number of individuals or target groups handled by each MAJu partner. A total of 17,706 groups and individuals were assisted by MAJu partners during the five years of the program, with the following details: 139 REM; 481 LGBT and LGBT-HIV as many as 1327; 5743 cases of women and 4 women-HIV; IP as much as 754 and 9242 for intersects of target groups and others.

Disclaimer

- In the third year (2019), MAJU added 7 new partners, bringing the number of MAJU partners to 15. Therefore, in the third year the number of target groups assisted by MAJU was the highest.
- There was a surge in assistance to women target groups provided by LBH APIK and Rifka Annisa during the pandemic, this was in line with the increase in the number of domestic violence cases during the pandemic. Rifka Annisa and LBH APIK Jakarta contributed significantly to MAJU's capacity to provide legal assistance and assistance to women victims of violence. Total legal assistance and assistance to victims from the women's target group by LBH APIK Jakarta during the MAJU program was 2779. Meanwhile, the total number of women assisted by Rifka Annisa during the MAJU program was 997. LBH APIK Jakarta contributed to assisting as many as 48% of the women target group. Meanwhile, Rifka Annisa contributed 17% of women's groups during the MAJU program.

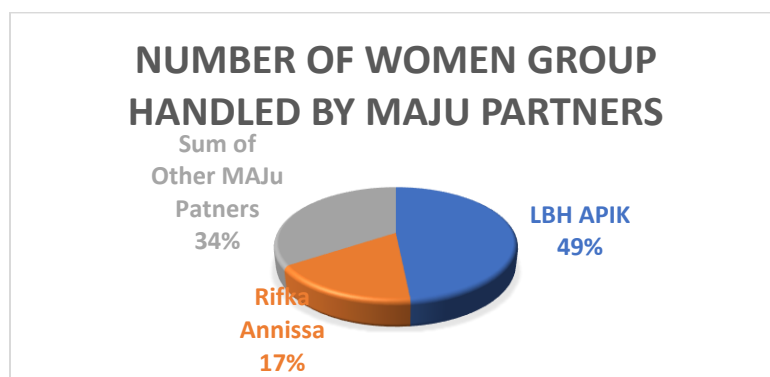


Figure 6 Number of Women Group Handled by MAJU Partners

- The increase in the number of LGBT/LGBT-HIV groups seeking justice/information and services also increased in the 4th year of the program due to the expansion of access to services for consultation and assistance for LGBT groups through the Gue Bisa platform managed by GWL-INA. The increase in the number of IP groups receiving aid and assistance in the third year was contributed by the legal identity/population activities designed by LBH Papua.
 - There are many legal aid data are not recorded well due to several issued including the case management system was being improved, and thus this study only takes written and proven data to be counted.
- **Indicator 2** is the number of assistances on incidents of human rights violations that occurred in the four target groups. The data shows that there were 718 human rights incident assistance during the 5 years of the MAJU program. The details are as follows: 2 assistants on incidents of human rights violations for IP target groups; for LGBTI groups as many as 32 assistants, 36 assistants for REM, and 537 for women's assistance. While 111 assistances for other incidents. Disclaimer: Starting in the third year, the

incidence of human rights violations spiked very high compared to the first and second years. This spike was contributed by the high increased incidents of human rights violations against women. It is indicated that there are different perspective in human rights violation coding by MAJu parnters. Different from those LAO partners (YLBHI & its network, LBHM, DPC Peradi Tasikmalaya, AIDP), the service providers for victims of violence (LBH APIK Jakarta and Rifka Anissa) counts all complaints of violence against women (KtP) as human rights violations; and there is no distinction between cases (based on complaints) and incidents (events).

- **Indicator 5** shows the number of paralegals trained by MAJu. From the monitoring and evaluation dataset, there are a total of 716 paralegals. Of the total number, there were 316 female paralegals, 338 male paralegals, and 62 paralegals from gender and sexual minorities. These paralegals are distributed within the MAJu target group and other marginal groups whose scope of work coincides with the MAJu target group. Details of the number of paralegals by target group are as follows: Paralegals key population support group of 224 people; paralegals of women group as many as 103 people; paralegals for women's key population support group as many as 22 people; paralegals of women's groups supporting religious freedom as many as 15 people; 115 paralegals of religious freedom groups; 43 paralegals of the village religious freedom support group (Posbankum/legal aid post in the village); and paralegals for indigenous people (IP) groups as many as 71 people. There are also 123 paralegals from marginal groups who handle MAJu target groups and cross issues such as villages, land, environment, urban poor, and agrarian.

Disclaimer: Data of Paralegals is based on the number of people trained by MAJu during the program year, this data has been cleared from the possibility of recording paralegals in more than one capacity building. There are approximately (number of paralegals) who have attended more than one training in more than one MAJu partner. There are strong indications that partners (LBH offices under YLBHI) do not have good independent records regarding the number of paralegals trained and/or inaugurated and how many are active from year to year. The methods used by partners to count and record paralegals trained and/or inaugurated are not consistent from year to year. In addition, based on field interviews and review of partner documents, there are indications that the number of paralegals trained through MAJU is even greater than that reported to MAJU.

- **Indicator number 10a such as a1, a2, a3** are about the status of accreditation and the number of accredited LBH. MAJu partner LBHs accredited C in 2016 and 2019 include LBH Yogyakarta, LBH Semarang, LBH Bandung, LBH Surabaya, LBH APIK Jakarta, and Rifka Annisa.

LBH Masyarakat has not yet received accreditation in 2016, but in 2019 it was accredited C. Likewise, DPC Peradi Tasikmalaya which in 2016 had not yet received accreditation, then received accreditation C in 2019. Meanwhile, MAJu partner LBH accredited B in 2016 and 2019 is LBH Jakarta.

- **Indicator 10b** describes how many partners experienced an increase in accreditation status. Disclaimer: This indicator is not relevant to measure the performance of MAJu partner OBHs. There is a tendency for MAJu partners to maintain their accreditation status at C to adjust to the number and capacity of managing PBHs in the office. MAJu LAO partners were little reluctant to increase the accreditation status because of there is little improvement in the claim/reimbursement method from BPHN which can be burdensome. This choice gives MAJu LAO partners flexible space to handle structural cases with a large number of justice seekers as well as to respond to paid individual justice seekers. The willingness of MAJu LAO partners to continue to seek accreditation status from BPHN and refund claims for legal aid provided demonstrates the commitment of these partners to continue to provide assistance to victims of marginalized groups.
- **Indicator number 11a and 11b** are about the number of OBH from the province where MAJu works who refund claims for legal aid services. At the baseline this data was not available at BPHN and in this endline it has not yet received an update from BPHN regarding the data availability.
- **Indicator number 12** related to reimbursements received by MAJu partners since being accredited by BPHN. There are eight MAJu partners who received legal aid funds. Three partner institutions, namely LBH Jakarta, LBH Bandung, and LBH Masyarakat received the funds for the four years of the program. LBH Jakarta for four years received a total of Rp 302,944.000,00. LBH Bandung received Rp 43,274,200.00 in four years and LBH APIK Jakarta received bank funds of Rp 107,600,400.00 for four years.

Five partner institutions receive funding in different program years. LBH Surabaya and LBH Masyarakat received legal aid funds in the third year of the program, namely Rp. 25,000,000.00 (LBH Surabaya) and Rp. 7,000,000.00 (LBH Masyarakat). LBH Semarang and LBH Yogyakarta received the funds in the second to fourth year of the running program with the following details Rp70,025,000.00 (LBH Semarang); Rp.32,619.000.00 (LBH Yogyakarta). Rifka Annisa received in the third and fourth years with a total of Rp.29,000,000.00. The total amount of legal aid funds received by MAJU partners for the eight partners is Rp. 617,462,600,000.

- **Indicator number 26** is related to the number of MAJu partners whose activities are constrained due to regulations. All MAJu partners experience these problems. Several

laws that hinder the performance of MAJu partners (impede Freedom of Expression and Opinion in public), namely:

a). Law Number 16 of 2017 concerning Stipulation of Government Regulation in Lieu of Law Number 2 of 2017 concerning Amendments to Law Number 17 of 2013 concerning Law on Mass organizations (UU Ormas). This gives the government the authority to dissolve organization that do not suit their interests. Meanwhile, Law No. 17 of 2013, is a revision of Law No. 8 of 1985 concerning Mass Organization, which were created by the New Order to control society through the single platform and principle of Pancasila for any types of organizations. This Ormas law is one package with the political law that controls the presence and actions of civil society organizations, because it considers community organizations (including CSOs) a threat to the government/state. The Ormas Law requires the legitimacy of a community organization by issuing a Certificate of Registration (Surat Keterangan Terdaftar/ SKT), which is often understood as a permit to establish a mass organization. Whereas according to the Constitutional Court Decision No. 8/PPU-XI/2013, the Certificate of Registration is voluntary, and may not be the basis for determining whether a community organization is legal or not. The Certificate of Registration is not a permit for the existence of an organization, because it is only administrative in nature, to list community organizations in Indonesia for strengthening and empowerment purposes. Some examples of the impact of this SKT implementation include:

- Prohibition of demonstrating to several NGOs in Papua because they are not registered.
- CSOs are prohibited from interviewing the government in South Kalimantan, because the CSOs are not registered.
- Law Enforcement Officials often use ownership of SKT as an instrument of control in people's freedom of expression and social activities, such as book discussions, film screenings, public campaigns, etc. These activities are often carried out by critical groups to criticize budget use, spatial planning territory, mining, and others.
- SKT is also currently used by government ministries and agencies to control the financial and social resources of mass organizations. CSOs who have SKT have the right to access government public finances through type III and type IV self-management schemes. Type III self-management for CSOs and type IV self-management by community groups, both for the procurement of goods and services as well as for public fundraising.

b). Law Number 19 of 2016 concerning Amendments to the Electronic Information and Transaction (ITE) Law Number 11 of 2008. This law is often used by the state and society to criminalize citizens for accusations of defamation, unpleasant actions, spreading

hatred in public , etc. Although it provides legal protection for an individual's reputation or good name, the defamation provisions contained in the ITE Law are prone to being misused to lead to criminalization. The ITE Law has been used to threaten many human rights activists/women activists as well as criminalize women victims of online gender-based violence (KBGO). The ITE Law is the face of state control over civil society where the state apparatus has carried out 900 *sweeping* of the freedom of expression activities of citizens and mass organizations. According to Amnesty International and Safety Net, the number of cases tried related to the ITE Law reached 233 cases during President Jokowi's first term, 82 of which were tried for insulting the president. This is a threefold increase from 74 cases during the second term of President SBY 2014-2019. This has made the civic space in Indonesia sink. ([Indonesia's Shrinking Civic Space for Protests and Digital Activism - Carnegie Endowment for International Peace](#))

- **Indicator number 27** is about the number of program activities held to improve CSO understanding of the enabling environment for NGOs as a result of USG support under MAJu. There are 6 activities to promote understanding of the enabling environment for NGOs:
 - The training on KKB monitoring and advocacy for civil society in 5 regions was attended by 109 participants.
 - Monitoring of the Ormas Law is focused on monitoring the rights to KKB.
 - Preparation of a manual for the mitigation of rights to KKB.
 - Public Consultation in 4 areas related to Komnas HAM Standard Setting and Norms for Freedom of Assembly and Association namely in Yogyakarta, Makassar, Mataram, Jakarta.
 - Monitoring and Advocacy on the Right to Public Services for Gender Diversity and PLHIV in 3 areas, Jakarta, Bogor-Depok, Bekasi-Tangerang.
 - Develop a Pocket Book on Monitoring and Advocacy for Public Services.