



Annual Report

Asosiasi LBH APIK Indonesia

Year 2016



“Making Rule of Law Meaningful
for Women And Vulnerable Group”



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ABOUT APIK



Who We Are

APIK is a leading network of 16 legal aid societies for women (LBH APIK). It is a feminist organization and mostly located in the capital of the province. For the past of 22 years, APIK has already active towards advancing women's human rights, justice and development. We are independent, non-governmental, and non-profit and officially registered organization under the law.

Our Work

APIK fosters movement in Indonesia to influence laws, policies and provide direct legal assistance at the national and local level. We develop capacities, produce and disseminate feminist legal analysis, conduct advocacy and foster networks and creating spaces for women's movement building to claim and strengthening women's and marginalized groups including sexual minority rights. APIK empowers legal aid office at the local level to use law as an instrument of change for equality, justice and peace.

Our Aims

APIK's aims is to bring about a just, prosperous and democratic society, and participating in creating a legal system where there are equality between women and men in all aspects of life as well as protecting all citizens particularly women, the vulnerable and marginalized groups against violence and discrimination. While LBH APIK provides legal assistance for women and vulnerable and marginalized groups as well as working for legal/policy reform at the local level.

Our Beliefs and Values

We believe that the legal system can be very repressive as well as transformative. We use feminist analysis to dissect, engage with and transform laws, legal practices and the system. We believe that the nexus of patriarchy with militarism, fundamentalism and neoliberal economic globalization is responsible for gross violation of women's human rights and fundamental freedom. We believe that equality, justice and the realization of human rights can only happen when women particularly marginalized groups are empowered to lead legal and policy change. We believe, to achieve sustainable development and change can only happen when the engagement with women themselves especially at the grassroots and policy making levels to bring their own experience with feminist approach and perspectives into the legal system and justice development. We work based on the principle and values of justice, democracy, equality, independence, emancipation, sisterhood, social justice, anti violence, non-sectarian and environmental sustainability.

Our Framework

Gender based legal aid or gender and transformative legal aid (known as gender-based structural legal aid/Bantuan Hukum Gender Struktural/BHGS) is the working concept of APIK. It is derived from APIK's main objective in creating a fair legal system, viewed from both gender, worker-employer and state-citizens power relation in all aspects of economic, political and socio-cultural life. To achieve this goal APIK uses a structural-gender legal framework based on CEDAW and Tri-R concept (Rights, Recognition, Redistribution of power and resources), Feminist Legal Theory and the Triangle of Women's Empowerment introduced by Wieringa and Vargas (1998).

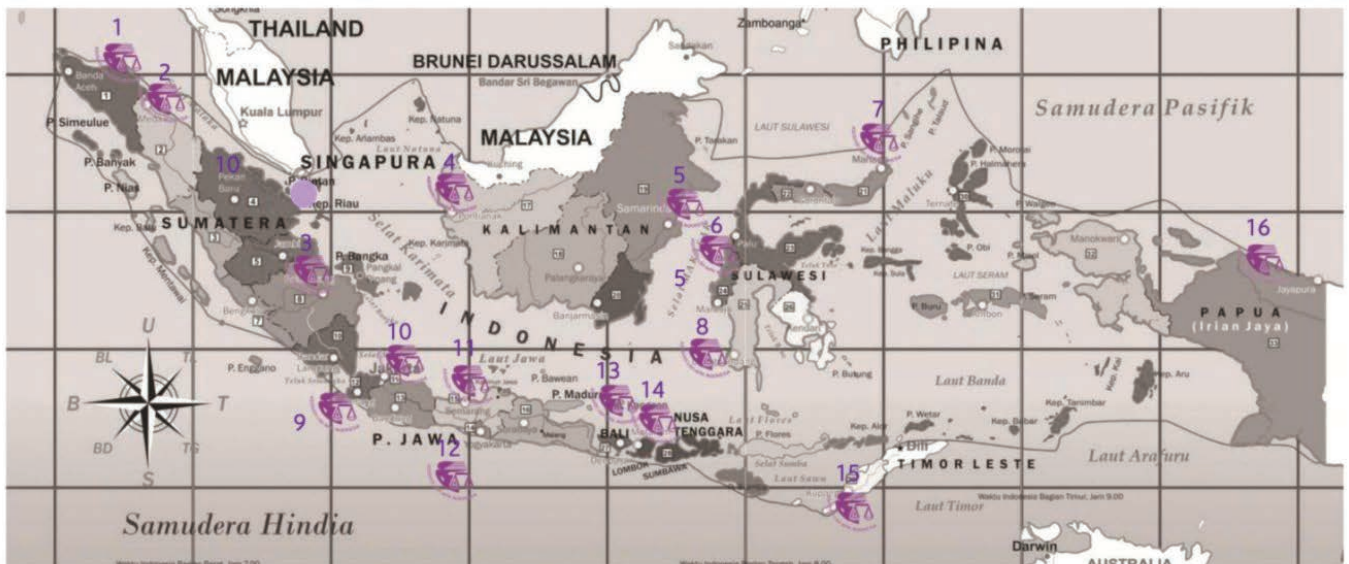
Feminist Legal Theory used by APIK is a way to interrogate the Indonesian legal system in light of CEDAW and the Tri-R concept, whether the legal system beneficial or detrimental to women's rights in term of the formulation (wording) and its implementation. If it is beneficial/detrimental, APIK also examines, which socio-economic groups are affected. From case handling experiences and dealing with the legal system, we analyse the case in term of the legal content and related provisions and the attitudes of legal enforcers (legal structure) in implementing the existing legal provisions and rules as well as the attitudes of the people/media/community (legal culture) and even the victims themselves towards their case and related laws.

Our Herstory

APIK/LBH APIK Jakarta was founded in March 3, 1995 by 7 women's lawyer in Jakarta namely : Tumbu Saraswati, Ria Latifa, Nursyahbani Katjasungkana, Rita Serena Kolibonsi, Apong Herlina, Nur Amalia and late Novi Irianti. It was legalized by Public Notary Abdul Rachman Saleh on 4 August 1995. Between 1995-1999, there are 12 legal aid offices has been established and in 2010, 5 more offices namely in Bali, Jayapura, East Nusa Tenggara and Central Sulawesi was established. They have their own legal entity and on May 20, 2010, they agreed to have a National Secretariat and coordinated by Indonesia Legal Aid Association. It was legalized as membership organization by Public Notary and registered in the Ministry of Law and Human Rights Office in 2014.

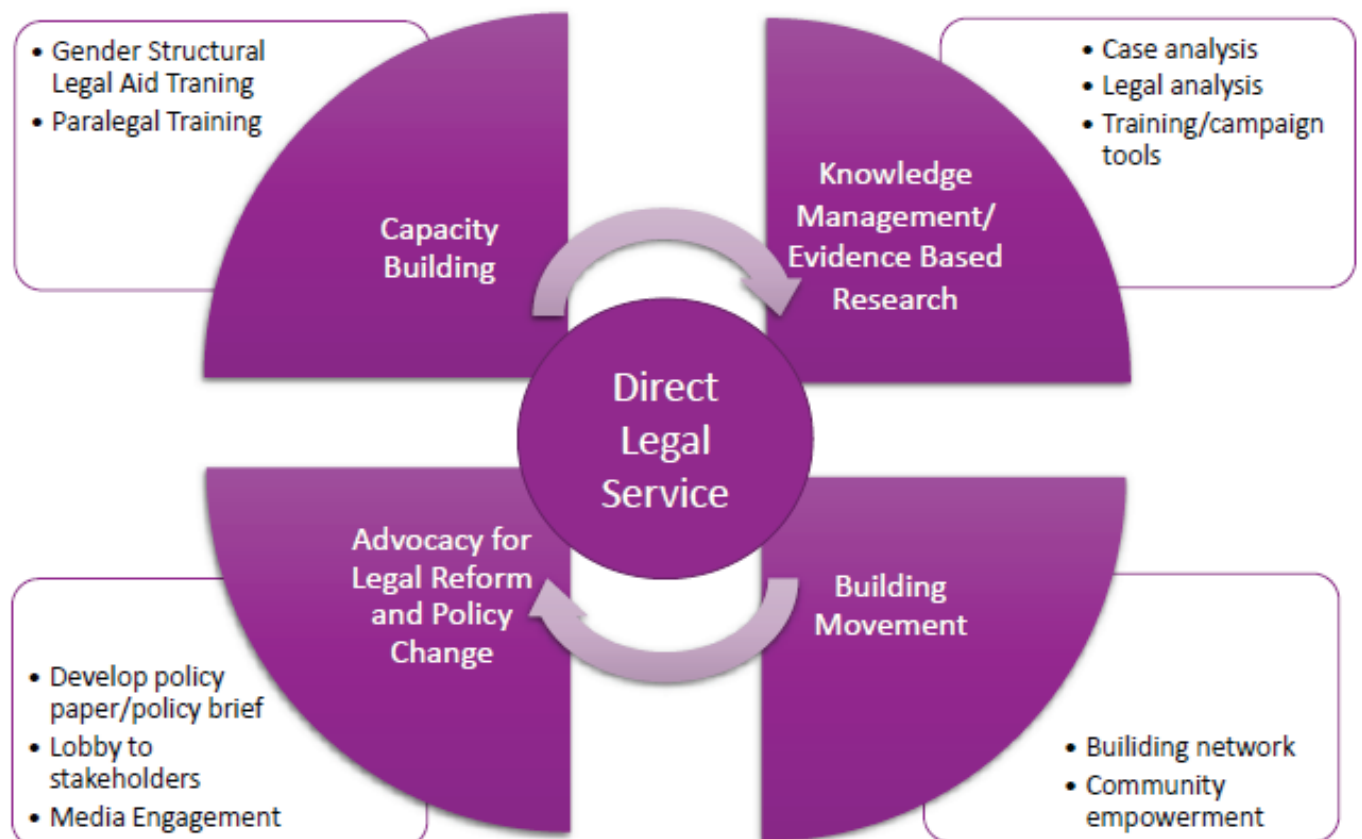
Our Structure

Our member in 16 provinces with their paralegal at the grass root and village level provides the National Secretariat the strength and expertise that driving and executing our program and works. They are actively involve in developing policy and program through taking part in National Meeting and Consultation. APIK is governed by National Board and Oversight Board who are also board member of the LBH APIK Office at the provincial level. The National Secretariat led by National Coordinator who is also member of National Board. only happen when women particularly marginalized groups are empowered to lead legal and policy change. We believe, to achieve sustainable development and change can only happen when the engagement with women themselves especially at the grassroots and policy making levels to bring their own experience with feminist approach and perspectives into the legal system and justice development. We work based on the principle and values of justice, democracy, equality, independence, emancipation, sisterhood, social justice, anti violence, non-sectarian and environmental sustainability.



- | | | | |
|----------------------|---------------------|------------------------|-------------------|
| 1 LBH APIK Aceh | 5 LBH APIK Kaltim | 9 LBH APIK Banten | 13 LBH APIK Bali |
| 2 LBH APIK Medan | 6 LBH APIK Sulteng | 10 LBH APIK Jakarta | 14 LBH APIK NTB |
| 3 LBH APIK Sumsel | 7 LBH APIK Sulut | 11 LBH APIK Semarang | 15 LBH APIK NTT |
| 4 LBH APIK Pontianak | 8 LBH APIK Makassar | 12 LBH APIK Yogyakarta | 16 LBH APIK Papua |

Our Theory of Change



We believe that woman's experience in dealing with legal system is the best evidence to get a perfect answer on whether a legal system is repressive or transformative. For that reason, we used case handling process as an entry point to look at the power relation between woman and man, employer and and the power relation between state and its citizens. This analysis will be used as training material and campaign tool. Our work is designed to strengthen women's movement to be able to do advocacy work for legal reform and policy change.

There are four key elements in our works:

- 1) strong capacity of lawyers to analyze, organize, advocate and drive social, economic and political change;
- 2) managing knowledge and evidence base research as well as developing tools and resources to advocate for legal reform and policy change;
- 3) building networks, alliances and community legal and political empowerment to amplify collective demand for change;
- 4) creating advocacy space and opportunities to engage with and influence policy makers at local, provincial and national levels;

MESSAGE FROM NATIONAL COORDINATOR



In 2016 APIK have two interventions program : firstly, “Making Indonesia’s Rule of Law Meaningful for Poor Women and Vulnerable Groups” and secondly, Strategic Litigation on Female Migrant Workers Right’s Protection.

Since the implementation of the program of “Making Indonesia’s Rule of Law Meaningful for Poor Women and Vulnerable Groups” has achieved some of the significant result in term of its impact on the community development and social movement, we are proud to call this annual report of 2016 with the same title of that program. We managed to train 162 paralegals and handling 724 cases on access to legal identity (birth certificate, marriage and divorce certificate, land title etc), established 18 Pioneer School of Justice with gender and social inclusion perspective and 18 Citizen’s Forum and developing APIK Gender Justice Index as a basis to develop SDGs Program at the provincial and district level. We provided trainings to paralegals and member of community as well as the representatives of marginalized groups on how women can be a true change-makers by joining Pioneer Justice School, Citizen Forum and doing advocacy work and case handling for their own community.

Most of women who attended the Justice Pioneer School completely illiterate on their constitutional rights and laws related of their basic rights and the public service. They also were trained on how to form the Citizen Forum and drafting the Citizen Charter as well as doing advocacy work and case handling. One of the paralegal was appointed as Village Secretary.

We also working closely with Ombudsman especially at the provincial level, National and Local Information Commission, while LBH APIK’s main activities to provide legal service and doing advocacy and legal reform is stayed on and continue.

The second program which was implemented in Kupang, East Nusa Tenggara (Nusa Tenggara Timur/NTT) and West Nusa Tenggara (Nusa Tenggara Barat/NTB) have also achieved significantly to the protection of migrant particularly female migrant worker. In NTT, LBH APIK and their network was successful in promoting Village Regulation on Migrant Worker Protection. Since most of cases handled by LBH APIK NTT and LBH APIK NTB, the Village Regulation focus on the trafficking and document fraud protection. Besides, the two LBH APIK Offices managed to develop baseline data on migrant worker in their own place and use this base line data as a training material and legal awareness especially to the family and community at the village level.

We are grateful to LBH APIK Offices for their courage and dedication to achieve our common goal to ensure that access to justice and opening the political space for the poor especially poor women and the vulnerable groups is successfully achieved. We believe that if the rule of law is upheld, prosperity and justice especially for poor women and vulnerable groups will be achieved.

We look forward to 2017 where our achievement of 2016 will improve the quality of live of our target groups. Next year’s focus has been designed to strengthen what we have been achieved and expanding the participation of community as oversight of public service agency.

Nursyahbani Katjasungkana

2016 – A YEAR IN REVIEW



MAKING INDONESIA'S RULE OF LAW A REALITY FOR POOR WOMEN AND VULNERABLE GROUPS

Indonesia is a country governed by the rule of law and democracy. According to the 1945 Constitution, it is mandatory that the government and its officials and agents are subject to and held accountable under the law. We do believe that the rule of law is a system of rules and rights that enables fair and functioning societies. However, in reality, most of poor people are suffering from injustice and incompetent institutions especially in public service delivery. Corruption is also one of biggest challenge for making the rule of law meaningful for poor people especially women, elderly and other marginalized group.

Supporting by the Embassy of Royal Kingdom of Netherlands, since the end of 2014, APIK National Secretariat and its regional offices is working on Making Rule of Law a Reality for Poor Women and Vulnerable Groups. It means that APIK is widening their scope of work from providing legal service and legal reform on discrimination and violence against women issues to access to justice and constitutional rights. This program is developed based on LBH APIK's experience in dealing with legal cases in the court and outside the court.

We learned that access to justice not only because of the weakness and gender insensitivity of the justice system but also because the lack of understanding of poor people about their legal and constitutional rights including access to basic rights and legal identity. We also learned that there are many groups who are still left behind. Using the transformative and gender legal aid and TriR as well as social inclusion concept we are trying to ensure that the government program reach the poorest of the poor and the marginalized group namely; poor women especially female migrant worker, domestic worker, elderly, disability people, female migrant worker, sexual minority group and victim of domestic violence.

Besides, we refer to the rule of law concept used by World Justice Project that defines the rule of law system as one in which the following four universal principles are upheld:

- 1 The government and its officials and agents as well as individuals and private entities are accountable under the law.
- 2 The laws are clear, publicized, stable, and just; (are) applied evenly; and protect fundamental rights, including the security of persons and property.
- 3 The process by which the laws are enacted, administered, and enforced is accessible, fair and efficient.
- 4 Competent, ethical, and independent representatives deliver Justice timely and neutrals that are of sufficient numbers, have adequate resources, and reflect the makeup of the communities they serve.

Those principles have to be transformed into policy implementation in which the government could deliver their service to their citizen. On the other hand, to be able to implement those principles, citizens must be aware about their constitutional and legal rights and having sufficient skills to demand their rights.

THE AIMS OF THE PROGRAM

To ensure that citizen rights in term of access to justice, economic development and basic services for poor women and vulnerable groups (elderly, diff-able, children) are accessible. It also aims that government accountability, responsiveness and responsibility are improved.

THE THEORY OF CHANGE

To ensure that citizen rights in term of access to justice, economic development and basic services for poor women and vulnerable groups (elderly, diff-able, children) are accessible. It also aims that government accountability, responsiveness and responsibility are improved.



PROGRAM INTERVENTION

1) Strengthening Community and Paralegal's Capacity



Since 2000, APIK has trained more than thousand paralegal in case handling and healing process of victims of violence against women as well building leadership of grass-root women. Some of them were recruited by other NGOs and government agency. Working with Indonesia Women Coalition for Justice and Democracy, we trained them on gender budgeting, voter education and feminist leadership. In 2016, we added our paralegal training with social inclusion to be able to reach the poorest of the poor and vulnerable groups.

We are working hard to make the most imperative notion of Sustainable Development Goals “no one left behind” materialized where there are zero poverty and hunger, gender sensitive economic growth, affordable a good health and quality education, gender equality and zero tolerance to violence against women and discrimination as well as clean water and sustainable environment and strengthened partnership between civil society and government.



“I was often beaten by my husband. He also often cursed with bad words. One day I was invited to join the Justice Pioneer School (SPK) by a LBH APIK Jakarta paralegal. In SPK I learned that women and men are equal, and no one has the right to commit violence against women. Then someday I dare talked to my husband about my uncomfortable with his attitude. I also said that violence against women is a criminal that has been regulated in the Domestic Act. His attitude began to change better, and never hit me again”. (Sumiyati, survivor victim of domestic violence, participant of Pioneer Justice School in Central Jakarta)

Following the National Meeting of Paralegal in 2015 on SDGs Goal 5 and 16, in 2015-2016 APIK carried out some activities among others are: (1) Strengthening paralegal’s capacity in case’s handling on access to basic rights and improving their skill in order to run the Justice Pioneer School (JPS/SPK) and to be community’s facilitator, (2) Established 21 JPS in 7 LBH APIK working areas in order to improve community member and paralegal’s skill and knowledge on constitutional rights abd public service,and (3) Building awareness and citizen’s support through the formation of Citizen’s Forum as a space for poor women and marginalised group and the whole community member to discuss their access to public service, (4) Encouraging poor women and marginalised groups and the local government to sign Citizen’s Charter regarding the resolution of the problem of access to basic rights and public services. The meetng was attended by Marteen Van Den Bosch , Deputy Political Secretary of Royal Kingdom of Netherlands Embassy, DR.Nina Sarjunani, Secretary of the National Secretariat of SDGs Office, and Prof.DR. Enny Nurbaningsih,Chair of National Law Planning Agency.



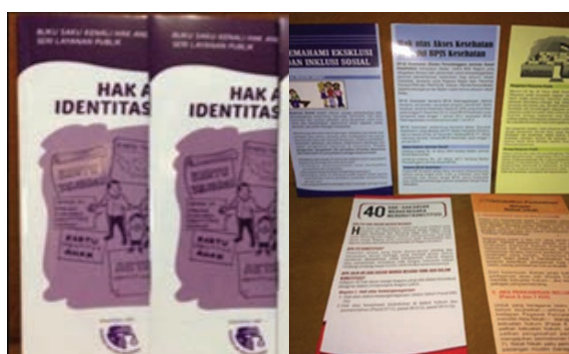
Paralegal of LBH APIK Jayapura, Papua practicing as Justice Pioneer School Facilitator in Training of Trainer.

From the above mention intervention we managed to train 155 paralegal on basic rights, public service and social inclusion. They are representative of community from 18 villages. There are 18 Justice Pioneer School has been established. From those villages they found that 670 women out of 724 poor people are excluded from government service and they successful in helping them to get their legal identity (ID and family card, birth certificate, marriage or divorce certificate) as required by the government policy to get various public service from the government such as health, education of their children, rice for the poor etc. They were introduced to the Ombudsman and Commission of Information Agency as oversight of the public service agency. Paralegals are also acting as mediator of community and family conflict and bridging the community interest to the public service agency as well as motivator in establishing Citizen's Forum.



Isbat Nikah (Marriage legalization) for 150 couple in Saba Village as a result of LBH APIK West Nusa Tenggara Paralegals and Citizen's Forum advocacy.

The other results are also included: 1) Training Modules on Gender and Social Inclusion, Fundamental's Rights and Public Services; 2) Curriculum and How to facilitate Pioneer Justice School (SPK). These two tools have been continuously improved based on experiences and lesson learned during the implementations in each city / community. We also published a booklet on issues of health and legal identity that can be used as education material.



"I got benefit from the pocket books published by LBH APIK Semarang, I outreached the Act to my fisherman father. When dealing with illegal charges on license, then I read the Act within that pocket book. Therefore, he was free from the illegal charges. Nevertheless, the wordings are slightly small, and I suggest making it as an info sheet or comic with a lot of images". (Uswatun - participant of Justice Pioneer School Puspita Bahari, Morodemak, Demak - Central Java).

2) Develop APIK's Gender Justice Index

APIK Gender Justice Index (AGJI) is developed based on data compiled by seven LBH APIK's offices and their paralegals. The methodology of this index is based on the UNDP's GDI (Gender Development Index) and GEM (Gender Empowerment Measure) without the heavy weight of the income variable. It is very much simplified, made suitable for use at the regional level and by NGOs. From the AGDI (African Gender and Development Index) it adapted the conceptual approach, containing both a quantitative and a qualitative part. The quantitative part, the GSI (Gender Status Index) of the AGJI can be applied at various levels of analysis and for all regions.

The qualitative part can be adapted to the purposes of various user groups, in this case socio-legal practitioners. The methodology has been developed in consultation with members of the seven offices of APIK involved. Their staff has been trained in data collection. Progress has been monitored and it is expected that at the next annual meeting a preliminary analysis of the data can be presented. APIK intend to promote this index to be the basis of developing SDGs program at the provincial and district level. Prof. Saskia E. Wieringa, from Amsterdam University, who is also the consultant and developer of African Gender Development Index, helps APIK to develop this AGJI.

STRATEGIC LITIGATION ON FEMALE MIGRANT WORKER RIGHTS

In 2016, APIK also made an intervention on the female migrant worker issues. Data shows that between 2011-2016 there were 2,320,959 people who are working as migrant workers, 1.5 million of whom were women and most of them worked in the domestic sector with very demanding work conditions, dirty and dangerous. They experienced violations of rights, discrimination and violence both in the sending cities/villages especially in the process of recruitment, departure, and during their transit as well as in the destination country/at their workplace.

They are victims of a various form of violence and discrimination including sexual violence, paper's fraud or false identity, slavery and human trafficking. Besides the intermediaries, recruiter and government official started from the village level till to the district and provincial level, their family are also involved in these kind of crimes. Lack of the information about their rights and procedure as well as the information about the destination countries and their rights protection are among the problem faced by migrant workers.

From LBH APIK case handling experience in a number of cities outside Java, we have learned that in most of cases, the victims do not get a sufficient protection from the government as mandated in Article 5 of Law No. 31 of 2014 concerning Witness and Victim Protection Agency. So far, protection for them including for the victims of Trafficking has been provided by NGO or their self help organization.

Based on that experience, in 2016 we implement "Strategic Litigation Program" in two provinces namely East Nusa Tenggara and West Nusa Tenggara. These two provinces are well known as sources of female migrant worker with many tragic accident experienced by them. It is very often that they were cheated, trafficked, killed or facing the death penalty in the destination countries. Their family is also very often received their death body without any explanation from the agency and government. The program is focused on developing base line data as basis and material for training for government official, legal enforcer and NGO working on migrant and doing policy advocacy work both litigation and non litigation as well as advocacy for policy change especially at village level. The establishment of Witness and Victim Protection Agency at the two provinces is also become the outcome of the program.

The aims of the program among others are: 1) LBH APIK's staff capacity improvement in handling migrant's rights case; 2) the improvement of female migrant worker's legal awareness; 3) promoting a protection regulation as well as the effectiveness of legal compensation procedure both in the criminal justice system process and in the Law on Witness and Victim Protection Agency.



The expected impact of this program among others are: 1) the capacity of LBH APIK's staff in case handling of migrant worker are improved, 2) the legal culture of the community and family in term of their attitude toward their right to demand justice and compensation in term of violation of the migrant worker's right is changed.

To achieve those aims and the expected impact of the program, there are 8 activities have been carried out namely: 1) to prepare a base line data on migrant worker; 2) training on Structural and Gender Legal Aid for LBH APIK's office and their network; 3) promoting the enactment of the Village Regulation on the Migrant Worker's Rights and their Family; 4) doing advocacy at the national level to promote the establishment of Witness and Victim Protection Agency; 5) providing legal assistance; 6) providing technical assistance; 7) monitoring of legal and court process; 8) advocacy and lobby to all related agency on the protection of migrant worker.



At the end of the program we have achieved all the expected result and impact. LBH APIK NTT and NTB is having base line data on the migrant worker in their working areas. The base line data shows that female migrant worker experience various kind of violation from the very start at the Village Office, the Sending Agency, in the destination countries both at the work place and the receiving agency.

This base line data can also be used as a basis to increase the legal awareness of the community and family as well as training material and advocacy work. Beside the base line data. APIK NTT was successful in having Village Regulation on the Migrant Worker's Rights Protection. While on the establishment of Witness and Victim Protection Office at the provincial level, we manage to have a meeting with the Commissioner of the Agency. They promised that they will put in the plan but it has to be approved by Minister of Finance, Government Employee Agency and the Parliament.

NATIONAL LEGISLATIVE ADVOCACY PROGRAM



Based on experience in handling domestic violence cases, in 1997 we drafted Domestic Violence Bill and submitted the Bill in 2002. After 2 years of deliberation, it was enacted in 2004. This successful advocacy experience has encouraged APIK to legislative advocacy works. A Network of Pro-Women National Legislative Program was formed. When three founder of APIK (Tumbu Saraswati, Ria Latifa, Nursyahbani Katjasungkana) was elected as member of parliament (between 1999-2009), they played an active role in promoting and speed up the reform of some discriminatory laws such as Nationality Law and gender-sensitizing all the laws that was being discussed in parliament. We were also played an important role to ensure the Human Rights chapter with the non-discriminative and affirmative action provision was included in the constitution's amendment.



Lobby to National Legislative Body

In 2014 we managed to persuade the new Parliament to put APIK proposal namely: 1974 Marriage Law Amendment Bill and Family Court Bill. Since the fundamentalist groups both at the community level as well as in the political level are getting stronger, we were advised for not pushing further the deliberation of the Marriage Law amendment. We are waiting for the right momentum to ask the National Parliament to put this Bill as their priority.



Radio campaign on women migrant worker rights in radio by Ansy Damaris (Director of LBH APIK East Nusa Tenggara)

We have been an active member of National Alliance for Criminal Code Reform, Pro Women National Legislation Program Network and other legal reform network. In 2016 we were very active in the legislative advocacy work to ensure that there is no discrimination and criminalization of minority groups (religious and ethnic) including sexual minority groups in our new Criminal Code.

FINANCIAL REPORT



ASOSIASI LEMBAGA BANTUAN HUKUM APIK INDONESIA
(INDONESIAN LEGAL AID ASSOCIATION FOR WOMEN)

STATEMENTS ON ACTIVITIES FOR PERIOD 2016

(Expressed in Indonesian Rupiah)

2016

TEMPORARY RESTRICTED

Donation

Released Fund to temporary restricted

Interest

5,292,432,674

25,150,938

19,145,867

Total Income

5,336,729,479

EXPENDITURES

Program

1. Gender and Structural Legal Aid and Improving Access

to Justice for Woman in Papua, NTT, Central Sulawesi and Bali

2. Strategic Litigation on female migrant workers rights

3. COC Addressing Cultural/Religious Barrier in Eliminating VAW

4. Make Rule of Law for poor women, marginalized and
vulnerable groups

5. International People's Tribunal

871,828,058

83,861,563

1.000.000

3,205,247,501

206,596,154

Total Expenses

4,368,533,276

CHANGES IN FUND BALANCE

FUND BALANCE AT THE BEGINNING OF YEAR

968,196,203

1,419,421,238

FUND BALANCE AT THE END OF YEAR

2,387,617,441

UNRESTRICTED

INCOME

Investment benefits

Contribution

Released Fund to temporary restricted

Interest

309,091,200

93,499,831

(25,150,938)

13,638,717

Total Income

391,078,810

EXPENDITURES

Building a Community House

General and Administration

134,997,500

158,438,928

Total Expenses

293,436,428

CHANGES IN FUND BALANCE

FUND BALANCE AT THE BEGINNING OF YEAR

97,642,382

1,326,806,352

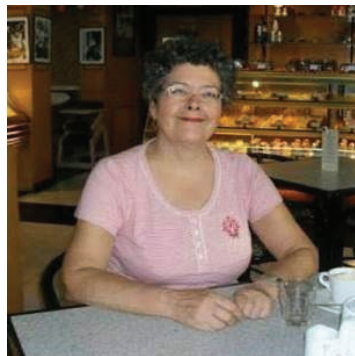
FUND BALANCE AT THE END OF YEAR

1,424,448,734

APIK NATIONAL SECRETARIAT TEAM



Young Suwan
APIK National Supervisor



Sita Van Bemmelen
APIK National Supervisor



Nursyahbani Katjasungkana
APIK National Coordinator



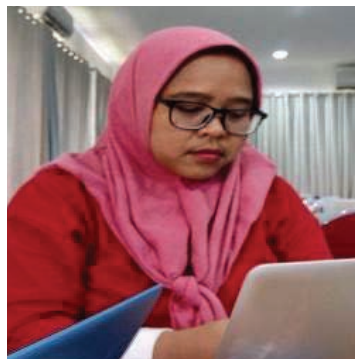
Asnifriyanti Damanik
APIK Association Board



Ratna Batara Munti
APIK Association Board



Khotimun Sutanti
Program Staf



Triana Komalasari
Program Staf



Finance Staf



Finance Staf

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