



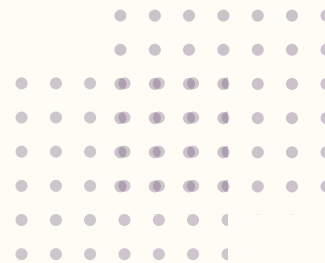
ANNUAL REPORT ASOSIASI LBH APIK INDONESIA YEAR 2019

“Encouraging Awareness and Inclusive Policies for the
Protection and Fulfillment of the Rights of the Elderly”

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ABOUT APIK



Who Are We

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 analyze 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.

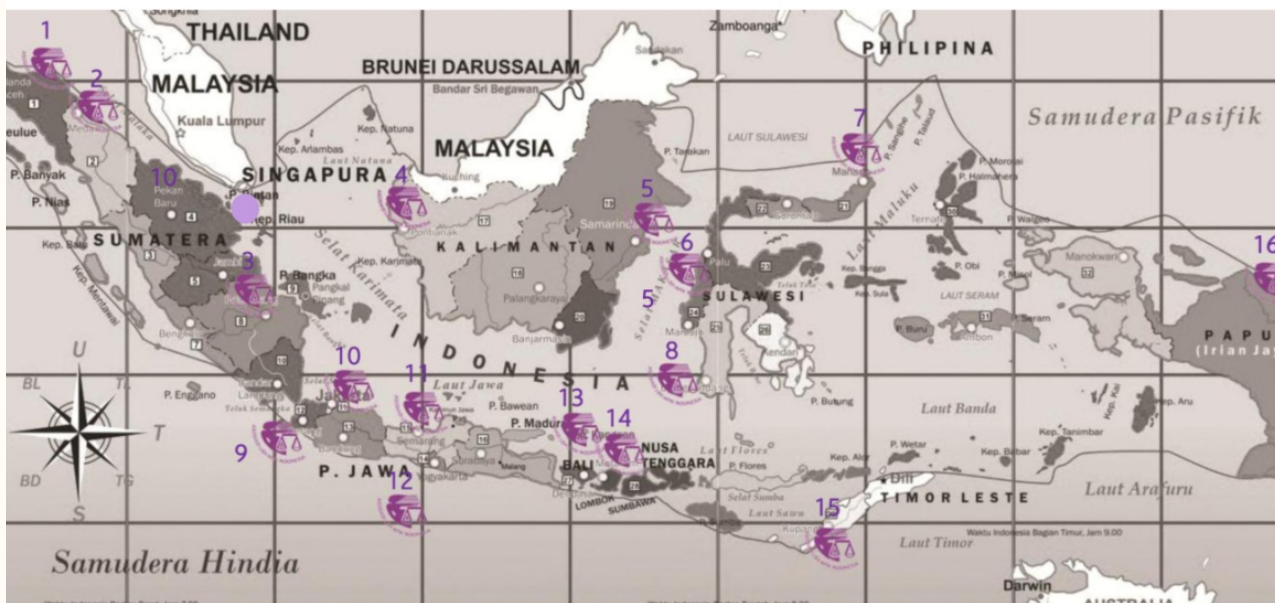
Our Herstory

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.

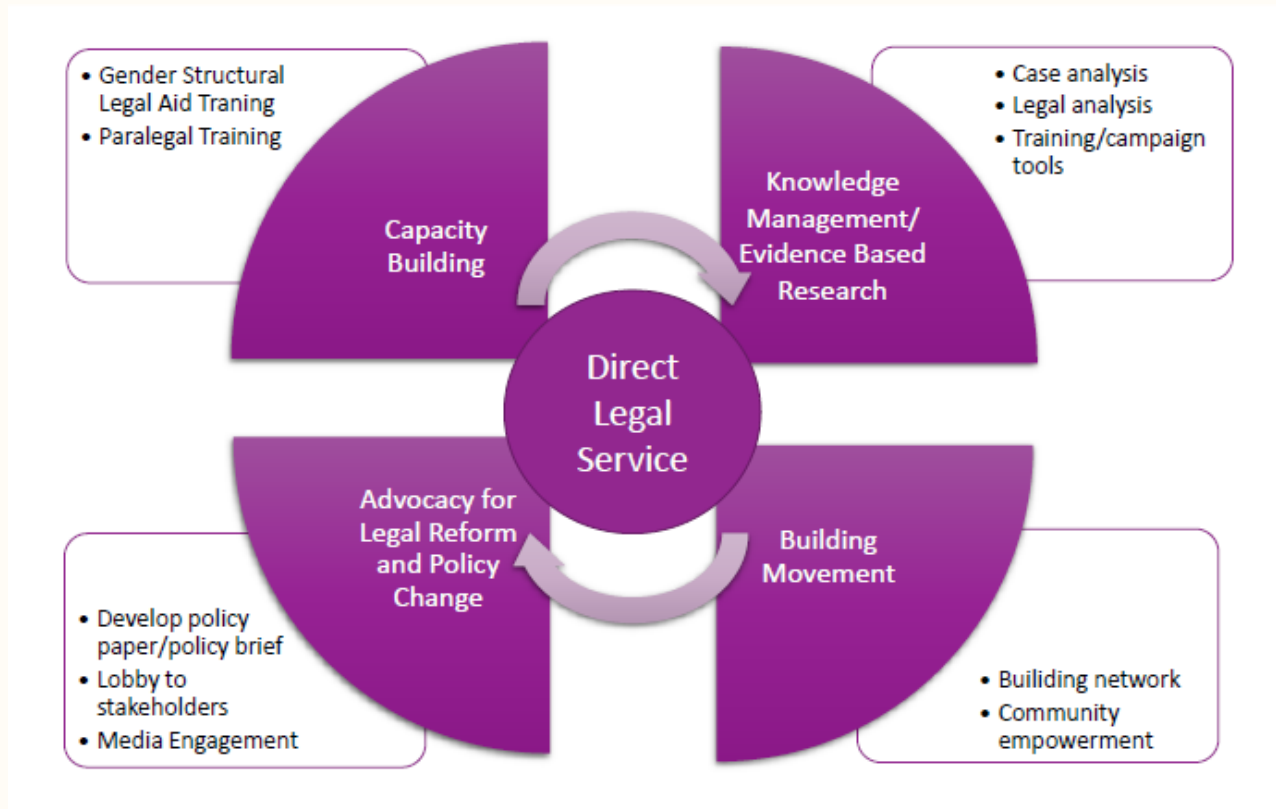
Our Structure

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.



APIK Aceh	5 LBH APIK Kaltim	9 LBH APIK Banten	13 LBH APIK Bali
APIK Medan	6 LBH APIK Sulteng	10 LBH APIK Jakarta	14 LBH APIK NTB
APIK Sumsel	7 LBH APIK Sulut	11 LBH APIK Semarang	15 LBH APIK NTT
APIK Pontianak	8 LBH APIK Makassar	12 LBH APIK Yogyakarta	16 LBH APIK Papu

Our Theory of Change

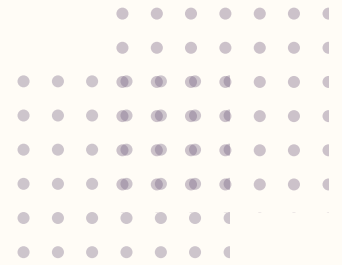


We believe that woman's experience in dealing with legal system is the best evidence to get a perfect answer on whether a legal system is repressive or transformative. For that reason, we used case handling process as an entry point to look at the power relation between woman and man, employer and and 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



Since 2014, APIK expanded programs not only on violence against women and vulnerable groups issues, but also on access to citizen's rights. From APIK experience, access to citizen's rights have strong interrelation with the occurrence of violence against women and vulnerable groups. APIK carried a project with the name "Making Indonesia's Rule of Law Meaningful for Poor Women and Vulnerable Groups" in 7 Provinces. The project has achieved some of the significant result in term of its impact on the community development and social movement.

We managed to train 211 paralegals and assisting more than 6000 beneficiaries on access to legal identity (birth certificate, marriage and divorce certificate, land title etc), access to health services, access to economic government program and access to justice. It 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.

Throughout the implementation of the project, we found that the elderly group was a excluded, both in policy making process, even in the intervention of government programs and most of CSOs. Violence against the elderly got a very low attention, even the data was almost not presented both nationally as well as at the village level. Therefore, APIK developed a project to empower the elderly group as well as building awareness and encourage inclusive policies for the elderly. This project main purpose is to ensure the rights of the elderly as stated in the constitution and Law no. 13/1998 as well as five principles in the United Nations Declaration of Older Persons 1991 can be implemented.

With the support of United Nations Democracy Fund (UNDEF), we started to develop this project in 3 provinces, namely Bali, Yogyakarta, and North Sumatra. It has been implemented since April 2019. Currently, the project has succeeded in improving capacity of 60 paralegals in handling cases of violence and accessing fundamental's rights of the elderly, trained 126 elderly leaders, and establishing Self Help Groups in 6 villages with the total participants 30-80 each village or total approximately 300 persons.

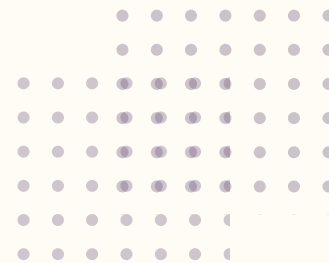


During April to December 2019, there were 32 cases of violence and access to fundamental's rights assisted by paralegas collaboration with trained elderly leaders. This project is still continuing with a plan to encourage the existence of a mechanism for fulfilling the fundamental's rights of the elderly at the village/community level. We learned from experience in implementing this project that exclusion and violence against the elderly were not a priority in development programs, especially at the village level. The elderly were also more often placed as objects in decision making and are considered no longer have a future.

The other project was a continuation of APIK's work collaboration with the Access to Justice Consortium to encourage quality improvement and to expand access to legal aid, especially integrated with the gender structural legal aid (SLA-BHGS) framework. The project funded by IDLO since May 2018. Some of the result were improved capacity of 70 law students and new graduates, who are expected to work as legal aid workers in legal aid organizations, Improved capacity of 173 paralegals in 6 provinces, 83 legal aid organizations, woman rights-based organizations and university legal aid clinics staff from 5 provinces to conduct gender-based legal aid activities through advance legal aid training (BHGS training), and also encourage of the draft of the provincial legal aid regulation in Yoyakarta, Jakarta and Papua. APIK also actively advocating for legal reform both national or local, one of which is advocating the Revision of Criminal Code Law Bill and Bill on the Elimination of Sexual Violence.

Nursyahbani Katjasungkana





Since the end of the dictatorial regime in 1998, Indonesia has regained freedom of the press, and civil society has democratic space to review and advocate for government policies and programs. The government amended the Constitution to include human rights, enacted many gender responsive and pro-poor laws and ratified most UN Conventions. The government also established the Ombudsman and Information Commission to oversee the work of public service agencies. However, these advances in terms of civil liberties and democratic freedoms have yet to translate into improved conditions for many of Indonesia's most vulnerable populations, including the elderly.

Based on the 2015 National Socio-Economic Survey, the population of older persons is 21.7 million or 8.5% of the total Indonesian population. Around 40% of them are living in households with the poorest social economic conditions. Although there is no systematic collection of data or prevalence studies, reports from the media, law enforcement, social welfare and legal aid offices can be pieced together and indicate patterns of abuse, neglect and exploitation of elderly people that is more common than generally acknowledged.

Law Nr.13/1998 on Social Welfare of Older Persons is comprehensive in describing the rights of elderly people such as the right to health services, nutrition, education and training, job opportunity, legal identity and legal aid.

However, this Law has yet to fulfill its promise due to limited public and government awareness, corruption and lack of legal identity (ID and family card). For those individuals who do receive rice and cash support (usually limited to emergencies or religious celebrations), it is not clear if the assistance goes to the targeted elderly alone or is meant for the whole family. Social norms are also a factor.

The elderly often depends on family for housing, food and care; this dependence can make them vulnerable to neglect or abuse. Since religion and tradition put value on respect for parents and elderly people, it is taboo to discuss situations of exploitation. Customary law and patriarchal culture also affect the elderly, especially women, for examples in Muslim law on inhe-



ritance, woman get one share and man get two shares, in Batak ethnic tradition in Medan, widow and her daughter do not inherit from her late husband/father; the same inheritance system is also applied in Bali. The culture of silence around the needs of the elderly, aggravated by their dependence on family members, means that there is a lack of data on and public attention to their situation.

Also, relevant to this context was the passage, in 2011, of Law Nr. 16¹ on Legal Aid that recognizes the role of paralegals as community human rights defenders. The Law also provides for Legal Aid Fund for case handling costs. The government also enacted the Village Law nr 6/2014 where the government provides at least Rp.1 billion (around USD 70,000) for village development program. These measures provide an opportunity for elderly people to get access to their basic rights and public service. The paralegals and women's community leaders also have an opportunity to be involved in doing advocacy's work on their basic rights through gender budgeting mechanism under the supervision of legal aid lawyers.

With the support of the United Nations Democracy Funds (UNDEF), we realize that the approach of empowering the elderly to become actors of change for their community is very important so that they can better explore and voice their needs and rights.

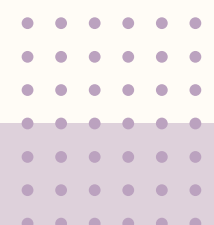
The Aims of the Program

The overall objective is to improve protection mechanisms and policies regarding the basic rights of and public services for the elderly. The key approaches are collecting data to close the evidence gap; public awareness raising, and capacity building of the elderly and paralegals for enhanced empowerment and improved legal services; and advocacy vis-à-vis policy makers for legal compliance and enhanced elderly programs and services at village and community levels. The project includes a strong gender focus, prioritizing women as paralegals and recipients of legal services.

Area

The program areas are six villages located in three provinces: Yogyakarta (Central Java), Bali and Medan (North Sumatera). In each province, the LBH APIK work with APIK Implementing Partners which have been long established and have a wide experience in implementing transformative legal aid

¹ http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=91046

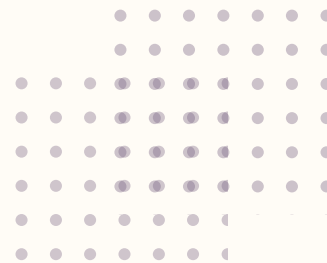


programs (provide legal assistance and doing legislative advocacy for policy change). With three different areas and characteristics, the LBH APIK hope to learn important lessons to be used in scaling up the program in other areas.

The Theory of Change

This program's theory of change are information, organization, capacity building, awareness raising, and advocacy activities lead to enhanced empowerment of the elderly and changed attitudes among community members and local officials—all of which will combine to produce improved protection mechanisms and policies.





PROGRAM INTERVENTION FOR THE ELDERLY



1 Baseline Assesment the Situation of Elderly Access to Fundamental's Rights

Baseline data collection has been carried out in 6 villages of the targeted area (42 respondents per village, or 252 respondents in total). The aim of the baseline assessment were to obtain an overview of the gap between the law that stated the rights of the elderly and its implementation.

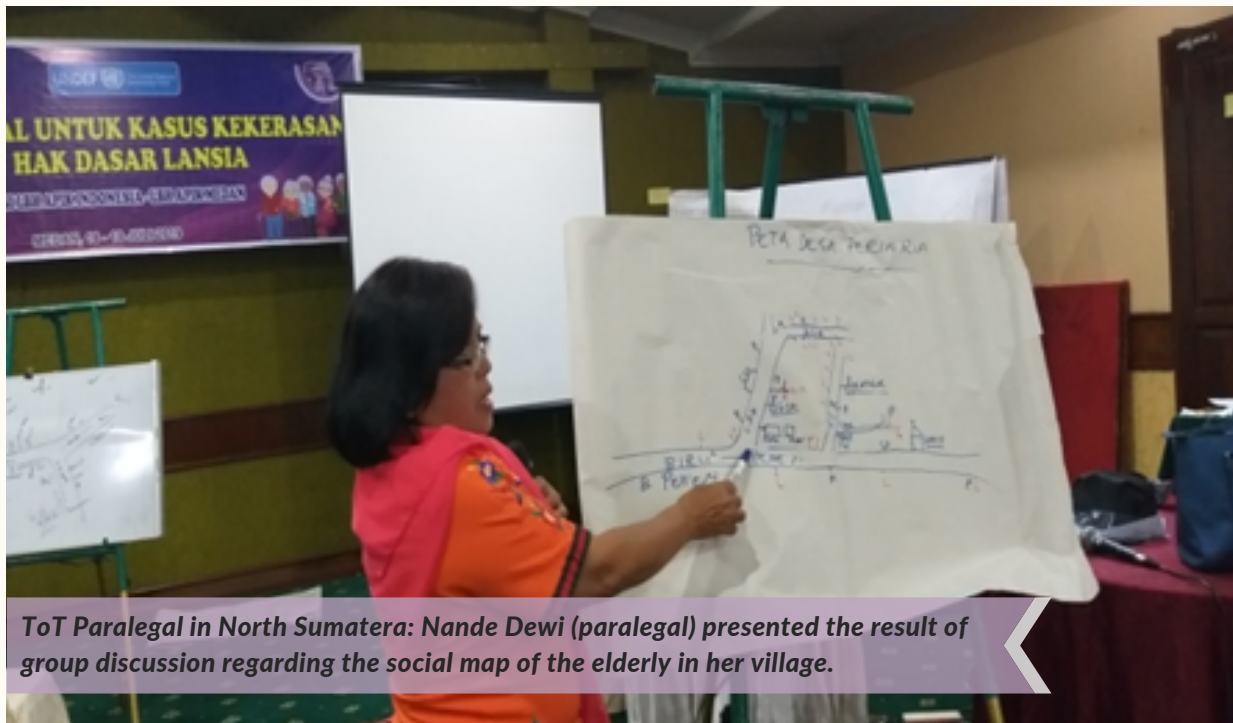
The results shows that each customary community has its own criteria in determining whether a person has become an elderly person or not, as well as they have some special name to call elderly group. social exclusion and violence were still experienced by the elderly, especially elderly women. For example in Bali, the elderly who have high vulnerability are the elderly who do not have sons because sons are considered as the successors /heirs of the custom (adat) of the family.

Elderly people with HIV/AIDS were also a vulnerable group for exclusion. They are separated from their families and often experience psychological violence. Some of the elderly have participated in government programs, there were very few program with elderly empowerment perspective and program regarding fundamental's rights as well as legal empowerment or legal aid for elderly.

2 Strengthening Paralegal's Capacity on Elderly Rights

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. In this project, 60 the paralegals who have been trained by LBH APIK, some of which are new paralegals, trained in handling cases of access to fundamental's rights and violence against the elderly.

From April to December 2019, the trained paralegals have handled 32 cases of violence and access to fundamental's rights for the elderly. One of the lesson learned during the case handling process, elderly cases were often hidden or considered as family cases, therefore people sorroundings were reluctant to get involved.



ToT Paralegal in North Sumatera: Nande Dewi (paralegal) presented the result of group discussion regarding the social map of the elderly in her village.

3 Elderly Group Empowerment – Establishing Self Help Group

There were 126 elderly and pre elderly at 6 villages in Bali, Yogyakarta, and North Sumatera has been trained as SHG leader. Elderly leaders together with paralegals have succeeded in encouraging the establishment of a Self Help Group (SHG) in their respective villages. A total of 6 SHGs have been established, with 30-80 participants per village (a total of 300 elderly people).



One of elderly leader training participant, Mrs. Nini, read “pantun” (poems) in SHG leader training in Peria-ria village, North Sumatera.



Participant of SHG Meeting at Tanjung Sena Village presented social map of the situation of the elderly in their village.



SHG meeting in Singapadu Kaler village, Gianyar District, Bali.

Paralegals, SHG leaders and SHG members will then jointly encourage multistakeholders to build commitments to increase the protection of the elderly in their villages, one of which is citizen's charter.

STRENGTHENING ACCESS TO JUSTICE THROUGH GENDER BASED STRUCTURAL LEGAL AID (BHGS)

The enactment of 2016 Law No.16 on Legal Aid has strengthened access to justice for the poor and marginalized groups. The government has also provided Legal Aid litigation and non-litigation activities such as case handling, legal awareness, legal empowerment program and writing paper on the legal issues. For the 2016–2018 periods there were 405 legal aid organizations have been supported by this Legal Aid Fund and for 2019–2021 period the number has increased to 524 organizations. That number is far from the needs of the poor to get access to legal aid.

Most of the legal aid organizations are located in the city so they could not reach the poorest of the poor. Besides, lack of lawyer and law student who are willing to be legal aid worker or human rights defender. Most of the law student are not familiar with women's rights, gender equality and social inclusion concept to be able to respond to the needs of the poor especially poor women and vulnerable groups such as the rights of children, elderly, disability, sexual minority. Lack of gender perspectives on the Legal Aid Fund schemes, are also amongst the problems that need to be addressed. Lack of skills in collecting gender issues and culturally relevant data to discrimination and violence against women are also critical problem since APIK was working based on Gender and Structural Legal Aid) evidence-based data is pivotal in doing legal and policy advocacy for legal reform and policy change.

Based on that above-mentioned assessment, Asosiasi LBH APIK Indonesia is willing to expand the access to justice by improving the capacity of LBH APIK (APIK local offices), especially in North Sumatera, South Sumatera, Banten, DKI Jakarta, Yogyakarta, East Kalimantan, Jayapura and East Java by:

- 1** Increasing the number of lawyers and paralegal who are willing to work in the legal aid organization or become community legal aid worker as well as to improve their capacity in handling discrimination and gender-based violence cases.
- 2** Addressing lack of fundings problem of legal aid organization where LBH APIK is working in that area such as in Jayapura, Yogyakarta, and Jakarta.

3

Improving the quality of lawyer in case handling based on the APIK working concept (BHGS/Feminist legal approach legal empowerment for the poor concept and access to justice strategy in achieving social and gender justice).



Gender Structural Legal Aid Training in Banten for Lawyer.



Paralegal Training at Kota Batu, Malang District, East Java. Role Play session of domestic violence situation.

The result of the project among other :

- Improved capacity of 70 law students and new graduates, who are expected to work as legal aid workers in legal aid organizations or other human rights organizations in Banten and Papua.
- Local regulation draft has been discussed in DPRD (local house of representatives) in Papua, Yogyakarta, and Jakarta. The draft in Papua has been submitted by DPRP/DPRD to the Ministry of Internal Affairs to get “register number”. The draft in Yogyakarta, Papua, and Malang (East Java) become priority in Prolegda (local legislation list).
- Improved capacity of 173 paralegals in 6 provinces (North Sumatera, South Sumatera, East Kalimantan, Banten, Yogyakarta and East Java). After training, paralegals conducted community discussion on domestic law or legal aid rights.
- Improved capacity of 83 legal aid organizations, woman rights-based organizations and university legal aid clinics staff from 5 provinces (Yogyakarta, South Sumatera, Banten, North Sumatera and East Kalimantan).
- 31 violence against women and girls cases in North Sumatra, South Sumatra, Banten, Yogyakarta, and Jayapura have been handled by LBH APIK Staff. There were 5 cases was used as a comprehensive case for the way to advocate for policy change in five regions. In the analysis, included case comparisons of other similar cases that were also handled (case repetition).

NATIONAL CONFERENCE OF LEGAL AID

Asosiasi LBH APIK collaboration as a member of Access to Justice Consortium held a national conference on legal aid in collaboration with the National Legal Development Agency, the Ministry of Law and Human Rights. This event was conducted two times, firstly at Wiladaktika, Bogor, that attended by around 300 legal aid institutions from various provinces. And the second in Bali, that most of participants were government representation. One of main results was recommendation for improving access and quality of legal aid, especially for vulnerable and marginalized group.



NATIONAL LEGAL REFORM ADVOCACY PROGRAM

Based on experience in handling domestic violence cases, in 1997 APIK and network 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 (JKP3) was formed, and APIK as

secretariat. 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.



National Discussion on Marriage Law Revision and Family Court Law Bill at Parliament Building. LBH APIK as one of the speaker.

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.



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 2019 we were 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 2019

(Expressed in Indonesian Rupiah)

2019

TEMPORARY RESTRICTED

Donation

4.656.0383.77

Interest

10.506.11

Total Income

4.657.088.988

EXPENDITURES

Program

1. Make Rule of Law for Poor Women, Marginalized and Vulnerable Groups - Netherlands Embassy

643.515.303

2. Strengthening Access to Justice Through Gender-based Structural Legal Aid (BHGS) - IDLO

3.409.375.968

3. Creating an Inclusive Policy and Legal System, Protecting Elderly People's Fundamental Rights - UNDEF

768.058.630

Total Expenses

4.820.949.901

CHANGES IN FUND BALANCE

-163.860.913

FUND BALANCE AT THE BEGINNING OF YEAR

85.826.915

FUND BALANCE AT THE END OF YEAR

78.033.998

UNRESTRICTED

INCOME

Contribution

226.062.246

Interest

19.772.061

Total Income

243.834.307

EXPENDITURES

General and Administration

65.705.611

Total Expenses

65.705.611

CHANGES IN FUND BALANCE

180.128.697

FUND BALANCE AT THE BEGINNING OF YEAR

1.096.262.720

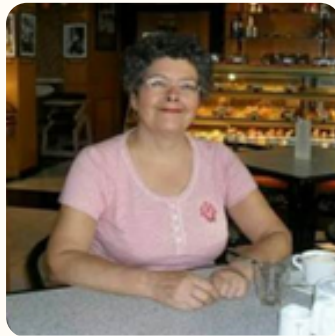
FUND BALANCE AT THE END OF YEAR

1.276.391.417

APIK NATIONAL SECRETARIAT TEAM



Young Suwan
APIK National Supervisor



Sita Van Bemmelen
APIK National Supervisor



Nursyahbani Katjasungkana
APIK National Coordinator



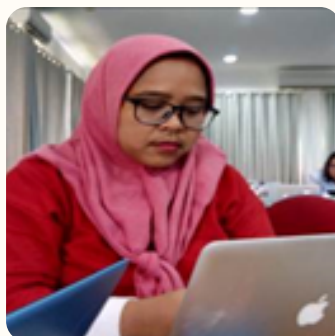
Asnifriyanti Damanik APIK
Association Board



Ratna Batara Munti
Association Board



Khotimun Sutanti
Program Staf



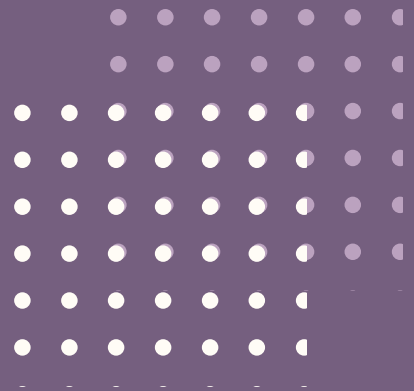
Triana Komalasari
Program Staf



Finance Staf



Finance Staf



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