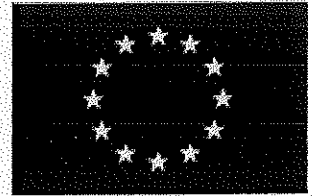
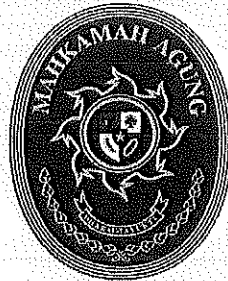




*Empowered lives.  
Resilient nations.*



**The Supreme Court of the Republic of Indonesia  
United Nations Development Programme  
European Union**

**EU-UNDP SUPPORT TO THE JUSTICE SECTOR REFORM IN INDONESIA (SUSTAIN)  
2014 – 2019**

**Project Document**

**United Nations Development Programme**  
**Country: Indonesia**  
**Project Document**

<b>Project title and ID (ATLAS Award ID):</b> EU-UNDP Support to Justice Sector Reform in Indonesia
<b>UNPDF Outcome #3:</b> People participate more fully in democratic processes resulting in pro-poor, gender responsive, peaceful, more equitable and accountable resource allocation and better protection of vulnerable groups.
<b>UNDP Strategic Plan 2014-2017:</b> Outcome 2: Citizen expectations for voice, development, the rule of law and accountability are met by stronger systems of democratic governance
<b>Expected CP Outcome(s):</b> Justice Providers and institutions are more effective in protecting human rights, and citizens enjoy improved access to justice ( <b>CPAP Outcome 3.3</b> )
<b>Expected CPAP Output:</b> 3.3.1. Relevant ministries and subnational government agencies in target provinces have the necessary financial and human resources, technical expertise, and mechanisms to implement and coordinate the NSA2J
<b>Implementing Partner:</b> Supreme Court of Indonesia
<b>Responsible Party:</b> UNDP
<p style="text-align: center;"><b>Project Summary</b></p> <p>EU-UNDP Support to Justice Sector Reform in Indonesia is a 5 year project with the overall objective of enhancing public trust in the judicial system through support to the Government of Indonesia in strengthening the rule of law. The specific objective is to increase the transparency, integrity and accountability of the judiciary and the quality of justice services delivered to the people. The project is expected to produce the following outputs:</p> <ul style="list-style-type: none"> <li>• Output 1: Enhanced internal and external oversight mechanisms of the judiciary</li> <li>• Output 2: Enhanced knowledge and skills of judges &amp; court staff and strengthened capacity of the Supreme Court Training Centre.</li> <li>• Output 3: Enhanced Human Resource and Organization Management via integrated Human Resources performance management databases, effective implementation of advanced Human Resources policies, and a strengthened Judicial Reform Team Office</li> <li>• Output 4: Enhanced Case Management System and procedures of the judiciary to improve transparency, quality of case data and decisions, and timeliness of case handling</li> </ul> <p>The project will be implemented under the framework of the UNDP Country Programme Action Plan (CPAP) 2011 – 2015, and will apply the National Implementation (NIM) modality with the Supreme Court designated as the Implementing Partner. UNDP will provide Country Office Support Services to support the Supreme Court in implementing the project and producing all the expected results. UNDP will be responsible for (i) the identification and recruitment of project and programme personnel, (ii) procurement of goods and services, (iii) the administration of donor financial contributions; and (iv) other support services required to deliver the outputs.</p>

# EU-UNDP Support to Justice Sector Reform in Indonesia

Programme Period: 5 years, 2014 - 2019	Total resources required: US\$ 13,416,320
Key Result Area (Strategic Plan): Promoting Democratic Governance	Total allocated resources:
Atlas Award ID: 00082733	• Regular
Start date: July 2014	• Other:
End Date: July 2019	o EU US\$13,416,320 (9,700,000Euros)
PAC Meeting Date: 12 June 2014	o Private Sector 0
Management Arrangements: National Implementation Modality (NIM)	o Government cost sharing 0
	Unfunded budget: US\$ 0
	In-kind contribution:



19/08/2014

Agreed by the Supreme Court: Nurhadi, SH., MH

Date:

**Secretary of Supreme Court**

  
Beate Frankmann

21/07/2014  
Date:

Agreed by UNDP:

**Country Director**

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## Acronyms and abbreviations

AIPJ	Australia Indonesia Partnership for Justice
BAPPENAS	National Planning and Development Body ( <i>Badan Perencanaan dan Pembangunan Nasional</i> )
C4J	Changes for Justice
CP	Country Programme
CPAP	Country Program Action Plan
COSS	Country Office Support Service
CPI	Corruption Perception Index
CTA	Chief Technical Adviser
CSO	Civil Society Organization
DANIDA	Denmark's Development Cooperation
ERP	Enterprise Resource Planning
EIDHR	European Instrument for Democracy and Human Rights
EU	European Union
FLEGT	Forest Law Enforcement Governance and Trade
GGIJ	Good Governance in Judiciary
GOI	Government of Indonesia
GDP	Gross Domestic Product
HR	Human Resources
JRTO	Judicial Reform Team Office
KPK	Corruption Eradication Commission ( <i>Komisi Pemberantasan Korupsi</i> )
KY	Judicial Commission ( <i>Komisi Yudisial</i> )
M & E	Monitoring and Evaluation
MCC ICCP	Millennium Challenge Corporation Threshold Program for Indonesia Control of Corruption Project
NIM	National Implementation
NSA-LA	Non-State Actors and Local Authorities in Development
NTT	East Nusa Tenggara ( <i>Nusa Tenggara Timur</i> )
PMU	Project Management Unit
QMR	Quarterly Monitoring Report
SC	Supreme Court ( <i>Mahkamah Agung</i> )
SUSTAIN	EU-UNDP Support to Justice Sector Reform in Indonesia

RRF	Results and Resources Framework
SOP	Standard Operation Procedure
UNDP	United Nation Development Program
UNICEF	The United Nation's Children Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development

## 1. Situation Analysis

In 1997, the Asian crisis marked the beginning of the *reformasi* period and Indonesia's steady transition to democracy. This led to the amendments of the 1945 Indonesian Constitution, carried out from 1999 to 2002, clearly defining basic rights and the division of power between the executive, the legislative and the judiciary.

Indonesia's justice sector reform plans have been conceptualised in several documents within the overarching framework of the National Long-Term Development Plan 2005-2025 and the National Mid-Term Development Plan 2010-2014. Institutional reforms in the judiciary, the prosecution and the police are key components of the Government's overall bureaucratic reform agenda.

The past decade witnessed major reforms in the justice sector. At the institutional level, a "One-Roof System" was established in 2004<sup>1</sup>, whereby the administrative responsibilities of the lower branches of the judiciary, formerly administered by the Ministry of Justice, Ministry of Religious Affairs and the Armed Forces were transferred to the Supreme Court. At the policy level in 2003 and 2005 the Supreme Court established five blueprints on different aspect of reform, and in 2010 the Supreme Court established a Blueprint for Judicial Reform 2010 – 2035 as an update of the previous blueprints to be implemented through five-year work plans.<sup>2</sup> These Blueprints reflect the awareness of a significant need for reform within the Indonesian Judiciary and the willingness to implement change. To support their implementation, the Supreme Court established a Judicial Reform Team, which is assisted by the Judicial Reform Team Office (JRTO)<sup>3</sup> whose task is to plan, coordinate and oversee the reforms. The Blueprints constitute an important framework for targeted and coordinated assistance by the Government of Indonesia as well as the donor community.

Reforms in the judiciary were followed by other reform initiatives in the law enforcement sector. In 2005, the Attorney General's Office<sup>4</sup> and the Indonesian National Police<sup>5</sup> also launched a comprehensive long-term reform plan. In 2009, the Government of Indonesia also established its National Strategy on Access to Justice

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<sup>1</sup> Enacted by Law Number 35/1999 on Judicial Power.

<sup>2</sup> The Supreme Court's Blueprint 2010 – 2035 consists of three areas of reform namely : (1) Legal function and case management; (2) Administration support function which include human resources management, assets & financial management, education & training, information technology; (3) Accountability which consist oversight function & transparency of information.

<sup>3</sup> The Judicial Reform Team includes Supreme Court's officials as well as Civil Society Organizations' representatives. The Judicial Reform Team is assisted by the Judicial Reform Team Office (JRTO) in day to day reform program management. JRTO consists with professionals and CSO's representatives and is currently funded by Australian Aid Program.

<sup>4</sup> In 2005 the AGO officially launched AGO's Reform Agenda which then followed up with the establishment of Prosecution Reform Program Office (PRPO). And in 2009 Attorney General's Office launched the agenda of AGO Bureaucratic Reform in different areas as follows: (1) Organization and Human Resources Development; (2) Management Information System and Technology; (3) review of legal instruments to improve effectiveness; (4) review Attorney's General's Office service conditions; and (5) improving Attorney General's Office inter-law enforcement agency coordination.

<sup>5</sup> Indonesian National Police strategy for reform is divided into three phases: trust building (2005-2009), partnership building (2010-2014), and strive-for-excellence (2015-2025).

to demonstrate its commitment to empower the poor and the marginalised.<sup>6</sup> However, despite the existence of all the above-mentioned reform programmes, coordinated implementation remains a challenge. This has led to a fragmentation of reform initiatives carried out by the individual law enforcement sector institutions with little interchange amongst the different institutions.<sup>7</sup>

In combating corruption, the *reformasi* also produced important strategies to eradicate this endemic issue from the Indonesian society. At the institutional level, the establishment of the Corruption Eradication Commission, the Anti-Corruption Court, Financial Intelligence Unit in 2003 and Judicial Mafia Taskforce in 2009 marked Indonesia's commitment to fight corruption. At the policy level, a National Strategy on Corruption Prevention and Eradication<sup>8</sup> was endorsed by the President in May 2012 through Presidential Regulation Number 55/2012.

Widespread corruption<sup>9</sup> is a critical issue affecting the Indonesian law enforcement sector. There is evidence that some progress has been made in eradicating corruption, and Transparency International's Corruption Perception Index (CPI) shows Indonesia's score moving from 2.2 in 2005 to 3.2 out of 10 in 2013. The Government of Indonesia has also made a commitment to reach the CPI target of 5.0 by 2014. However, Indonesia still ranks low in both the CPI and the 2011 World Bank Rule of Law Index (30.52 out of 100). The judiciary was ranked as the third most corrupt institution in the country in Transparency International's Global Corruption Barometer 2013, after the Parliament and the Police.

The Indonesian law enforcement agencies continue to need support to implement their reform agendas, albeit to different degrees. However, the most crucial agency in need of support is the judiciary and the rationale behind this is two-fold: (1) the judiciary sits at the head of the law enforcement system and has the ultimate decision-making power to impart justice; (2) its mandate is extensive and covers almost all aspects of public life - i.e. from criminal to administrative and civil matters. Therefore an exemplary judiciary is not only essential to instil public trust in the law enforcement system but the entire state apparatus.

There are a number of critical issues to be addressed for the advancement of the reforms in the judiciary. These are: (i) **Integrity**, (ii) **Quality of justice service delivery** (i.e. Institutional Capacity), and (iii) **Access to justice**.<sup>10</sup>

Corruption continues to challenge the Indonesian judiciary, being a stumbling block for the adoption and implementation of good governance principles of transparency, accountability and integrity. Obstacles to **integrity** in Indonesia's judiciary find their roots in some of the following factors: (1) shortcomings in human resources

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<sup>6</sup> In 2010, President signed the Presidential Instruction No. 3/ 2010 on Justice for All.

<sup>7</sup> Findings of the ex-post evaluation of the Good Governance in Indonesian Judiciary project, which includes a justice sector analysis.

<sup>8</sup> The National Strategy on Corruption Prevention and Eradication is divided into three time frames, i.e. long-term (15 years from 2011 to 2025), medium-term (5 years), and the annual strategies.

<sup>9</sup> According to the 2010 Corruption Eradication Commission survey of public sector integrity covering 51 institutions in the entire country, the Indonesian National Police and the Supreme Court rank amongst the 31 institutions with the lowest integrity score, occupying the 22<sup>nd</sup> and 4<sup>th</sup> place respectively.

<sup>10</sup> Analysis based on Kemitraan's assessment on the State of play of Anti-corruption reforms in the law and justice sector in Indonesia, 2010 and UNODC final report on Integrity and capacity assessment of the justice sector.

management, (2) limited oversight and inadequate disciplinary procedures and actions and (3) loopholes in the case management system.<sup>11</sup>

Corruption has serious consequences for the economic and social development of a country. A common consequence is the reduced propensity of domestic and foreign investors to invest in the country, which in turn, often drives economic activity away from the formal sector towards the informal economy. This leads to reduced economic growth and therefore a reduction of government revenue and redistributive powers of the State. The effectiveness of public spending also suffers from corruption, as investment decisions are skewed in favour of projects that can yield personal benefits for the decision-maker. Public projects consequently tend to become more expensive than necessary and of lower quality.

Other non-negligible effects of corruption are less law and order and more economic and social vulnerability of citizens. Vulnerability is increased by the arbitrariness and lack of transparency of corrupt systems, not to speak of the costs of bribing officials in order to gain access to services. The poor are also the ones that cannot afford to shift from public to private services (such as education and health) as a reaction to the scarcity and poor quality of services resulting from corruption in the public sector.<sup>12</sup>

Impediments to the **quality of justice service** delivery include the following: (1) weak professional legal education provided by the judicial training centre to candidate judges<sup>13</sup>; (2) shortcomings in Human Resources management when it comes to recruiting and placing human resources in accordance to courts' caseload and specialisation, clearly linking between competences acquired (including through trainings) and career development (rotation, mutation and promotion) and linking the career progression to job performance; and (3) limited public access to information.<sup>14</sup>

Opinion surveys report that nearly two-thirds of Indonesians have little or no faith in their parliament and three-fourth of the population find the judiciary unsatisfactory<sup>15</sup>. Since 2004, with the enactment of the one roof system, the Supreme Court is tasked with administering all the country's tribunals. Despite the progress made in implementing the reforms and in the increase of state budget to the Court system, the Supreme Court is still facing difficulties in successfully performing its management responsibility. Moreover there is also an issue with the fact that judges in the various courts partly lack the technical judicial skills and knowledge required to fully accomplish their tasks.

Finally, discrimination against certain groups in society such as women, children and minorities continues to challenge the principle of equal **access to justice for all**.<sup>16</sup>

<sup>11</sup> Idem see above.

<sup>12</sup> DANIDA Action Plan to fight corruption 2003-2008.

<sup>13</sup> Analysis made by Sebastiaan Pompe in its article named "Supreme Court causes backlogs, not the law" published on the Jakarta Post on 23/12/2003.

<sup>14</sup> This is due to limited compliance of the courts (especially district and provincial ones) with Chief Justice Directive number 144/2007 (*now revised with Chief Justice Directive Number 1-144/2011*) issued by the Chief Justice on information transparency in the judicial system. Source: Indonesia-Netherlands Legal Reform Program' Quarterly Fact Sheets 3 (August 2010), pg 25.

<sup>15</sup> Buehler 2009a, Harvard 2010.

<sup>16</sup> In this respect, the Supreme Court issued Circular letter No. 10/2010 on Legal Aid Guidelines in Judiciary which include in *prodeo* (*fee waiver*) cases, mobile courts, legal aid post and duty lawyer and the President issued instruction Number 3/2010 on Justice for All. But since the enactment of

This is caused by paternalistic mind-sets and attitudes of officials who lack adequate awareness and sensitivity towards the rights of vulnerable groups. Access to justice by these vulnerable and marginalised groups is dependent on how they are treated by the State apparatus. Access to justice for all is the ultimate benchmark for good governance.

It is estimated that only 17 percent of Indonesia's poor have the ability to bring their cases to court, and in poorer areas such as East Nusa Tenggara (*Nusa Tenggara Timur/NTT*), that number is under ten percent<sup>17</sup>, as poor people cannot afford court fees and transportation costs to attend proceedings. In particular, women<sup>18</sup> and children<sup>19</sup> continue to face multiple challenges in accessing justice forums (both formal and informal) and obtaining fair justice outcomes for their grievances.

### 1.1. Lessons learnt

There are two main lessons learnt that have been drawn from the implementation of past and on-going programmes, as highlighted in the ex-post evaluation of the EU-funded Good Governance in Indonesian Judiciary (GGIJ) programme and the Result Oriented Monitoring reports of current projects. These relate to the need for:

- (a) Coherence and alignment with the State's reform agendas; and
- (b) Full involvement of the beneficiary organization in the various stages of the preparation of the new support.

In the process of identification and formulation of this programme, these lessons have been fully taken into account.

### 1.2. Complementary actions

The international community is very active in the areas of justice reform and anti-corruption in Indonesia. The establishment of a Supreme Court Blueprint for judicial reform 2010-2035 and National Strategies on Access to Justice (NSA2J) in 2009 as well as on Corruption Prevention and Eradication provided donors with a clear government-owned framework for support in these fields. The main donors in the sector are: Australian Aid Program, the EU, USAID, the World Bank and Norway. Four main programmes to highlight are: Australian Aid Program-funded Australia Indonesia Partnership for Justice (AUS \$50 million, 2010-2014), the USAID-funded Changes for Justice (C4J) (USD 19 million, 2010-2014), the World Bank trust fund for Indonesian Tax Administration Reform (USD 110 million ending in 2015), EU funded Rule of Law and Security Programme (EUR 12 million, 2009-2013) and the

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Law Number 16/2011 on Legal Aid, the Supreme Court is no longer responsible for legal aid implementation in some areas. Currently the Supreme Court is adjusting the Circular Letter in accordance to the Law.

<sup>17</sup> This is the conclusion of Cate Sumner, a researcher for Australia's Judicial Reform Panel.

<sup>18</sup> According to the National Commission on Violence against Women, there is a continuous increase in reported cases of violence against women, from 3,169 cases in 2001 to 25,522 cases in 2007.

<sup>19</sup> According to UNICEF, sixty percent of Indonesian children under five years of age do not have birth certificates. Although law mandates that birth certificates are issued to every Indonesian child without charge, officials continue to levy formal and informal fees. This leaves children at risk of exclusion from education health services and also lack of protection from the legal system.

Norway-UNDP Strengthening Access to Justice in Indonesia (SAJI) (US\$11.5 million) programme which focuses on expanding access to justice for poor and marginalised communities as well as on improving informal justice mechanisms. Since all donors are supporting these long-term strategies, coordination has become a critical issue of concern.

Under this programme complementarity of actions will be ensured by the fact that the State's budget<sup>20</sup> and donor's funding will be combined to cover the implementation costs of different activities. This will also help to accelerate the overall implementation of the reform plans.

### 1.3. Donor coordination

To date, there is no comprehensive government-led donor coordination mechanism in place for the law enforcement sector. Only the Supreme Court has bi-annual meetings with donors when presenting its prioritised programmes.<sup>21</sup> However, the main law enforcement agencies have reform teams or a dedicated unit whose task is to coordinate donor support in accordance with their reform agenda. The design of the new EU/UNDP support in this field has highlighted the need for enhanced donor coordination. For this reason, since July 2011 meetings have taken place every month amongst relevant donors on a rotating basis focussing on commonly agreed topics of interest. It is expected that the Government of Indonesia will eventually take the lead in organising such donor coordination meetings.

## 2. Strategy

This programme builds on the previous EU Support to the Supreme Court (GGIJ) and complements EU programmes on: (1) Public Financial Management Phase I (€ 9.2 million, 2008-2012) and Phase II plan to start in July/August 2014 (€ 9.5 million), in particular in enhanced tax organizational capacity and integrity; (2) Forest Law Enforcement Governance and Trade (FLEGT) (€ 15 million, 2006-2011), in particular in improved forest law and its enforcement; and (3) Strengthening the Rule of Law and Security (€ 12 million, 2009-2013), in particular in improved institutional and operational capacity of law enforcement and judicial bodies to investigate, prosecute and adjudicate serious crimes (e.g. corruption, transnational crimes).

This new action will also be complementary to the EU thematic programmes i.e. European Instrument for Democracy and Human Rights (EIDHR) and Non-State

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<sup>20</sup> Indonesia is a middle-income country and part of the G20. It is currently experiencing a 6 % GDP growth per year. Although the European economic crisis may slow down its economic expansion, the country will still continue to grow due to its geographical proximity (surrounded by booming economies which can easily provide alternative markets) and by the fact that its growth will be more and more driven by domestic consumption (expanding middle-class). In addition to this, it is important to note that donor support amounts to less than 5% of the country's GDP, which means that Indonesia has and will increasingly utilise its own financial resources to sustain its reform processes. In particular, the Supreme Court Budget has continuously increased since the creation of the one roof system, moving from 500 billion rupiah in 2000 to more than 5 trillion in 2012 (Source: Supreme Court Reform Team).

<sup>21</sup> Chief Justice Decision Number 143/2010 on Donor Cooperation (mechanism) within the Supreme Court.

Actors and Local Authorities in Development (NSA-LA). These programmes are designed to help Civil Society Organizations build their oversight capacity, demand for good governance and respect for human rights and improved law enforcement sector as a whole.

In order to achieve maximum impact, the overarching dimension of the justice system requires **thematic focus**. The areas where this is most needed are anti-corruption, tax, environment, and vulnerable groups' issues. This is because of the following considerations:

- Addressing corruption is fundamental to restore accountability and public trust in the justice system.
- Tax reform is vital for fair, effective and integrated tax administration to secure sufficient resources to sustain development<sup>22</sup>. The Tax court plays a pivotal role in this process.
- Addressing illegal logging and poor licensing administration is critical for sustained development and to address climate change<sup>23</sup>.
- Fair treatment and promotion of equitable access to justice for vulnerable groups is the ultimate benchmark for justice and good governance.

Given the issues that this programme intends to address, the main beneficiary of the action will be the Supreme Court, as the institution responsible for the overall judicial reform in the country. Targeted support will also be provided to specialised courts such as the Tax, Anti-corruption, Administrative and Juvenile courts to address the thematic focus of this programme.

## 2.1. Objective

The main **objective** of this programme is the enhancement of public trust in the judicial system through support to the Government of Indonesia in strengthening the rule of law. This objective is in line with the outcome in UNDP's country programme document which aims to ensure that Justice Providers and Institutions are more effective in protecting human rights, and citizens enjoy improved access to justice. This objective can be achieved with the following assumptions: (1) Continuous commitment of the Government of Indonesia to the justice reform process and the achievement of Millennium Development Goals, (2) Social and political stability is maintained, and (3) Institutional reform will remain a priority of the government's development agenda during the programme's implementation.

The overall outcome and objective is to be attained through the **specific objective** of increasing the transparency, integrity and accountability of the judiciary and the quality of justice services delivered to the people.

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<sup>22</sup> The Government of Indonesia is committed to improve the efficiency of its tax administration system and to enhance domestic resource mobilisation. The focus is on modernising the whole tax administration and business processes by concentrating on two aspects: lowering taxpayers' compliance costs through improving the efficiency and effectiveness of the tax administration organization and business processes and modernizing human resources management, improving professionalism and staff integrity and strengthening governance (source World Bank).

<sup>23</sup> Another major challenge in access to justice for the poor is land and natural resources. In 2000, at most 20% of farmers held formal title to their land. Unsatisfactory resolution of land disputes remains the most common complaint about the justice system.



In order to ensure the long-term sustainability of the results and ownership, the programme uses the same reform implementation structures<sup>24</sup> and aligns its objectives, results and indicators to the Supreme Court's Blueprints for Reform 2010-2035<sup>25</sup>. In the same fashion, it was designed in accordance with the European Commission reference documents on "Analysing and Addressing Governance in sector Operations" as well as the newly developed concept "Supporting Anti-Corruption Reform in Partner Countries". The programme is also fully in line with the National Strategy on Access to Justice, which is being supported by UNDP under its Strengthening Access to Justice Programme.

These specific objective will be achieved with assumptions that: (1) Continuous commitment of the Supreme Court and in particular its leaderships in the implementation of the Blueprint for reform, (2) Continuous coordination amongst donors to enhance coherence, coordination and complementarity, (3) Continuous existence of the Supreme Court Judicial Reform Team, (4) Smooth cooperation between the Supreme Court, the Tax court and the Ministry of Finance, (5) Smooth cooperation between the Supreme Court and the Judicial Commission, and (6) Commitment of the Government of Indonesia to provide State funding from 2019 onwards to sustain the results achieved during the implementation of the programme.

## 2.2. Outputs and Activity Results<sup>26</sup>

This programme will provide technical support to the Supreme Court<sup>27</sup> with the aim of achieving the results presented below. These results are directly linked to the Blueprints for reform of the Supreme Court. The programme is designed to increase transparency, integrity & accountability of the judiciary, to improve the quality of justice services, and to enhance access to justice.

### **Output 1 - Enhanced internal and external oversight mechanisms of the judiciary**

This will be implemented by providing the Supreme Court with technical expertise to facilitate working relationship between the Supreme Court and the Judicial Commission (external oversight function) through implementing recommendations elaborated by the Supreme Court and Judicial Commission's Working Committee. It will also involve the conduct and institutionalisation of an external survey conducted jointly with CSOs to measure public satisfaction levels with court services and development of recommendations for improvement; enhancing the performance of internal oversight functions by conducting an assessment to assist in the transition

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<sup>24</sup>In order to implement its Blueprint for Reform, the Supreme Court has created 5 working groups for each issue to be addressed, namely: supervision, human resources management, training and education, case management and access to justice.

<sup>25</sup> For the thematic focus, this programmes also aligns its objectives and results to the National Strategy on Corruption Prevention and Eradication and the Blueprint for Reform of the Tax Court.

<sup>26</sup> Activities will be re-confirmed in the inception phase and in the annual work plans approved by Project Steering Committee.

<sup>27</sup> Which may include specific activities involving specialised courts, such as the Tax, Anti-corruption, Administrative and Juvenile courts.

process of restructuring internal oversight functions and facilitating the improvement and extension of public complaint channels in selected regions and public complaint monitoring system and conducting a study to develop a tax court model. This activity will require drafting and enacting regulations and procedures to ensure the effective operation of public complaint mechanisms. A study will be conducted for the changes needed in management practice and procedures among the lower courts and also taking into account the overall organization of the restructuring process in the Supreme Court. This activity will also require one expert working on oversight and public complaint issues to assess latest developments in Indonesia and abroad and to re-strategize reform efforts.

***Activity Result 1.1: Recommendations of the working Committee of the Supreme Court and the Judicial Commission implemented.***

- Assign a Liaison Officer to facilitate and provide technical assistance to the Working Committee of SC and JC.
- Conduct joint activities to implement recommendations elaborated by SC and JC through, *inter alia*, the organization of workshops, seminars, studies, liaisons office engagements, and joint visits abroad.
- Develop a guideline and implement a monitoring system to share info between the internal oversight mechanism of the SC and the external oversight mechanism of the Judicial Commission

***Activity Result 1.2: Guidelines to assist in the restructuring of internal oversight functions (internal oversight) is developed; and survey instrument is reviewed, refined and conducted jointly with Civil Society Organizations (CSOs).***

- Conduct an assessment of the current internal oversight functions and develop guidelines to support organizational transition processes of the internal oversight functions.
- Improve and institutionalize the external court survey method and tools, conduct follow up surveys if required.
- Develop recommendations to SC to follow up external court survey's results and provide support to improve the main critical issues.

***Activity Result 1.3: Current system for monitoring and handling complaints is assessed; and public complaints and handling mechanism (PCM), which includes a system for tracing and monitoring complaints' handling, is enhanced in selected regions.***

- Conduct an assessment on i) the current system for monitoring and handling complaints and ii) coordination mechanism between the provincial and district courts and Supreme Court in undertaking its oversight function.
- Enhance public handling mechanism in pilot courts<sup>28</sup>, develop a system for tracing and monitoring complaints' handling and deliver related training to court staff.

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<sup>28</sup> Some lessons learned may be obtained from UNDPs Strengthening Access to Justice in Indonesia (SAJI) project in strengthening PCMs, including coordination, reporting, public outreach and capacity strengthening.

***Activity Result 1.4: A system for compliance check of wealth reports of judges and court staff by Supreme Court in view of cooperation with the Corruption Eradication Commission is developed.***

- Cooperate with the Corruption Eradication Commission in ensuring compliance of wealth reports of judges and court staff, establish compliance system including sanctions.
- Update and use wealth report results for policy making and supervision.

***Activity Result 1.5: The tax court model assessment, including the study on the Tax administration system is developed.***

- Conduct a study on the Tax administration system (including tax dispute settlement) which include benchmarking with other countries model and conduct a series of workshops to discuss findings and examine ways to implement recommendations.
- Develop a Tax Court Model, which also examines human resource management of Tax Court personnel.

**Output 2 – Enhanced knowledge and skills of judges & court staff and strengthened capacity of the Supreme Court Training Centre**

This will be implemented by providing the Supreme Court with technical expertise to strengthen the capacity of the Supreme Court's Training Centre. The process will involve conducting an assessment of the training needs and institutional capacity and designing and implementing training to enhance the knowledge and skills of judges and court staff. The plan should be designed and implemented in collaboration with relevant institutions having superior knowledge and experience of the subject matter to be included in training programmes. Training programmes should take into account gender related concerns where appropriate, collaboration with relevant institutions with valuable knowledge and experience as appropriate, management and development of monitoring and evaluation tools to assess training effectiveness.

***Activity Result 2.1. Capacity of the Supreme Court's Training Centre strengthened in training management and development of monitoring and evaluation tools.***

- Assess the institutional capacity of the SC Training Centre to undertake its programmes and develop a capacity development plan based on the assessment results.
- Develop competency standards for positions in SC Training Centre and needs for competency development, and conduct performance based competency assessment
- Develop policy support framework and defined career paths based on competency.
- Conduct training needs assessment and develop a comprehensive curriculum for SC training management and trainers
- Assist and implement training in the area of management and trainers skills development (Training of Trainers/ToT), to strengthen capacity of SC Training Centre to provide high quality training, including code of ethics.

- Develop, evaluate and implement e-learning tools for Continuing Judicial Education & Candidate Judges Training.

***Activity Result 2.2. Capacity of SC's Training Centre increased to develop and implement certification training programme.***

- Conduct review & evaluation of training certification program and develop standard for training certification programmes in the area of environmental protection, anti-corruption, civil cases and juvenile justice.
- Conduct training needs assessment to improve curriculum of certification training programmes, and implement the revised certification training, including in the area of anti-corruption and mediation as a means to enhance access to justice for vulnerable groups (women & children) in collaboration with relevant institutions such as the AGO's office and Indonesian National Police.
- Develop online database of certification training's participants and link the database to the promotion and transfer system
- Develop monitoring and evaluation of certification training program including quality control of certification training graduates
- Develop and evaluate e-learning tools in these fields between the relevant institutions.

***Activity Result 2.3 Capacity of SC Training Centre to undertake curriculum development based on the results of a training needs assessment, and to deliver training programmes for candidate registrars and bailiffs, is enhanced.***

- Develop and improve curriculum for candidate registrars and bailiffs, based on training needs assessment and develop monitoring and evaluation tools.
- Support the implementation of training programs for candidate registrars and bailiffs (commencing with pilot trainings), including code of ethics.

***Activity Result 2.4. Knowledge of Tax Court staff on substantive and procedural law, including integrity (code of ethics and conduct) enhanced.***

- Develop a comprehensive curriculum for Tax Court judges on substantive and procedural law, including integrity (code of ethics and conduct), based on training needs assessment
- Assist and implement workshop or training on selected issues to Tax Court judges

***Activity Result 2.5. Knowledge of Administrative Court Judges enhanced through Continuing Judicial Education Programme.***

- Develop a comprehensive curriculum for Continuing Judicial Education Programme tailored to Administrative Courts, based on training needs assessment
- Assist and implement training programmes for the Continuing Judicial Education Programme tailored to Administrative Courts (commencing with pilot trainings.)

***Activity Result 2.6. Knowledge of senior judges and staff enhanced through leadership training programme.***

- Conduct review & evaluation of leadership training programmes

- Conduct training needs assessment, improve curriculum of leadership training programmes, and implement the improved leadership training programmes
- Develop online database of leadership training's participants and link the database to the promotion and transfer system
- Develop monitoring and evaluation of leadership training program including quality control of leadership training graduates

**Output 3 - Human Resource and Organization Management of judiciary enhanced through an integrated Human Resources performance management databases, effective implementation of advanced Human Resources policies, and a strengthened Judicial Reform Team Office**

A big problem facing those responsible for human resource management in the justice sector is the lack of current data and information linking competence, performance, and career management. Furthermore the current improvement in the judicial human resource management sector has not been properly institutionalized into policies and guideline that are used as guidance for implementation. To achieve this result, action will be taken in two areas: (a) developing & implementing integrated policies for more effective management of human resources, and building and operating an integrated database for performance based management of human resources; and (b) strengthening the capacity of the Judicial Reform Team Office to assist the Supreme Court in implementing its Blueprint for Reform 2010-2035. Under the Millennium Challenge Corporation Threshold Program for Indonesia-USAID Control of Corruption Project (MCC-USAID ICCP), extensive work has been done on human resources assessment (workload and job description analyses, development of key performance indicators for the Supreme Court and court personnel etc). This project has also developed a simple database system and training for relevant personnel to use the database. Activities under this output will be built on work already done by MCC-USAID ICCP.

***Activity Result 3.1: Competency-based human resource management guideline for recruitment and placement of human resources developed.***

- Conduct assessment of the current human resource management policies and guidelines
- Provide technical assistance to SC to develop integrated policies and guidelines for competence-based Human Resources management. The new guidelines should be gender sensitive and will link competences with career development (rotation, mutation and promotion). The guidelines will also support the introduction of performance-based Human Resources management, linking career progression to job performance.
- Assist SC to apply competency-based human resource management policies and guideline to recruitment, placement and career development

This effort will support the SC to achieve three goals. First, it will help the SC to recruit and place personnel taking into consideration caseload and specialisation of each kind of court. Second, the SC will achieve a better fit between job

responsibilities and the competence of office holders (rotation and mutation). And third, it will help the SC to better ensure that promotions are based on job performance. As a means to this end, action will be taken to design and update appropriate indicators of staff performance. This will build on work already done under the USAID Changes for Justice (C4J) project and the Millennium Challenge Corporation Threshold Program for Indonesia-USAID Control of Corruption Project (MCC-USAID ICCP).

***Activity Result 3.2: Integrated human resource database developed which provides mechanism for performance measurement of judges and court staff.***

- Assess the status of the existing SC databases on human resources, supervision, training, and other relevant data
- Update and integrate the human resources database and link it to training and supervision databases, and provide performance measurement features for the judges and court staffs.
- Train human resource personnel to use the central database

The database should include integration of personnel data including assignment location and training data and will be complemented by performance & disciplinary reports for judges and staff. This will also include activity to establish procedures for routine collection and dissemination of this information to those who need it. This will be accompanied by performance-based HR monitoring tools, covering key processes in the Court.

***Activity Result 3.3: Technical expert advice and support are provided to the Supreme Court on the implementation of its blueprints for reform 2010-2035.***

- Provide technical experts to JRTO to assist the SC on the implementation of the Blueprint
- Support the SC to develop/enhance and implement the blueprint's evaluation tools.
- Develop relevant policy papers to support implementation of the Supreme Court Blueprint.

This will include designing a change management plan, developing tools and indicators to measure progress in implementing the Blueprint and developing a policy paper on relevant issues under the Blueprints for 2010-2035.

**Output 4 - Enhanced Case Management System and procedures of the judiciary to improve transparency, quality of case data and decisions and timeliness of case handling**

This will be implemented by providing the Supreme Court with technical expertise to facilitate the implementation of a computerised case-tracking system and, if necessary, hardware and software as well as auxiliaries hardware for a computerised case management system. Under the USAID's Changes for Justice (C4J) project, extensive work has been done in implementing a Computerised Case Tracking System, which is currently being rolled out in the lower courts. The EU/UNDP support will build on the work already done and explore ways to improve the connection between the lower courts, appeal courts and the Supreme Court. The project will initially test this approach in three or four selected pilot sites linking lower

courts to appeal courts and the Supreme Court. This will be complemented by the establishment of pilot technical support units within selected appellate courts to ensure the sustainability and operability of the case tracking system. The selection of pilot courts is recommended to be conducted through a mechanism that requires commitment from courts and a merit process to select the most qualified courts. The mechanism is chosen so that the higher level of success can be achieved due to the commitment of the court to carry out these activities. In addition, the project will provide technical assistance in order to develop a pilot system for alternative sanctions for children (restorative justice)<sup>29</sup> and petty crimes<sup>30</sup> as well as standard operating procedures on how to process cases involving vulnerable groups such as women and children. These activities will be promoted through workshops, trainings, and the provision of advisory services.

***Activity Result 4.1: Electronic case-tracking system (from lower courts, to appeal courts, to Supreme Court) strengthened and regional technical support centres enhanced.***

- Facilitate the implementation of a computerized case-tracking system linking lower courts to appeal courts and the Supreme Court. The system will help to assess the performance of judges and registrars.
- Assist in improving the number of court decisions available online by developing a mechanism to promote and ensure court compliance in publishing court decisions.
- Assist in establishing regional centres to provide technical support for case tracking system.
- Develop regulatory framework for improved case management system

***Activity Result 4.2: Pilot system which prioritizes alternative sanctions for children (restorative justice) and petty crimes, focusing on rehabilitation and reintegration programmes for vulnerable groups is developed.***

- Provide technical assistance and organize workshops and trainings in order to develop a system on alternative sanctions for children (restorative justice) and petty crimes including rehabilitation & reintegration programmes in pilot courts
- Facilitate the development and issuance of SOPs on how to process cases involving vulnerable groups such as women and children.
- Train court officials in SOPs on how to process cases involving vulnerable groups such as women and children

This activity will require a short term consultant to undertake a baseline assessment of supporting facilities, the lack of which may undermine services and treatment of vulnerable groups, and to develop a model for ideal court facilities.

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<sup>29</sup> Taking into account the Law Number 11/2012 on Juvenile Court.

<sup>30</sup> Taking into account the Supreme Court Regulation Number 02/2012 on Limitation Adjustment on Petty Crimes and Penalties under the Criminal Code.

***Activity Result 4.3: Regulatory framework for the existing case management system in the Tax Court enhanced and tax case repository (database of tax decisions) made accessible to the public.***

- Assist in the enhancement of existing regulatory framework and development of SOPs to support the case management system in Tax Courts under the supervision of the institution responsible for information system and technology in the Ministry of Finance (currently Pusintek).
- Develop (SOPs) for tax court publications including the preservation of confidentiality information.
- Assist in developing a unified tax case repository (database of tax decisions) accessible to the public

Data is currently available both at the Supreme Court and the Ministry of Finance. Action is needed to design and implement proposals for integrating information from both sources. Certain conditions and standards need to be developed to manage classified information.

### **2.3. Institutional Sustainability**

As with most other development initiatives, ensuring the sustainability of new practices, procedures and other innovations introduced during the life of this project is an important underlying goal, but a challenging one. Therefore it is important that reform should be institutionalised into the organization of the Supreme Court. However such a transition in responsibility for reform functions cannot be accomplished overnight. What is required are efforts to ensure that the goal of handing over these functions can be achieved by gradual shifts in responsibility for implementing reform actions to designated units within the Supreme Court organization.

This project will incorporate a number of instruments that will help to achieve this goal, including supporting the development of the enabling environment through policies and laws; codifying practices and ways of conducting business through standard operating procedures (SOPs); and ensuring that key activities are incorporated into the State budget for longer term sustainability. Training programmes, curricula and course materials provide the opportunity to introduce, encourage and reinforce the adoption of new concepts and methods. Systems for monitoring compliance can be used to identify instances and / or individuals where new approaches are not being adopted or practiced as intended. Project staff will make use of these instruments where appropriate to seek opportunities and methods to enhance the prospect that innovations will be maintained and sustained after the project closes.

### **2.4. Cross Cutting Themes**

The cross-cutting issues of good governance, democracy and human rights are at the core of this programme. Likewise issues related to children's rights and gender equality have been taken into account and will be addressed by this programme.

- **Good governance:** Good Governance is critical to ensure decision making processes and public institutions are participatory, consensus-oriented,



accountable, transparent, responsive, effective and efficient, equitable, and inclusive. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision making. Good governance is fundamental to the economic and social development process of all countries, and hence is inherently linked to the objectives of this project. UNDP will also ensure that all counterparts apply good governance principles within the activities.

- **Human rights:** Indonesia formalized Human Rights Principles in Law 39 of 1999. The project will ensure the integration of human rights issues and concerns across project outputs and activities. Key rights to be incorporated include the right to information, which relates, among other things, to public access to court information; the right to equal treatment under the law; and the right to basic social services and amenities. Particular emphasis will be placed on the human rights and non-discrimination of women, children, and minorities who are sometimes marginalized in the justice system.

## 2.5. Gender Strategy

The promotion of gender equality and the empowerment of women is central to the mandate of UNDP and intrinsic to its development approach. By advancing gender equality and empowering women as agents of change and leaders in the development process that shape their lives, UNDP envisages a more inclusive, sustainable and resilient world.<sup>31</sup>

The Government of Indonesia and UNDP are committed to gender equality and women empowerment through several agreements. First and foremost the project is in line with and contributes to the objectives of the overarching plan for the UN Partnership for Development Framework in Indonesia (UNPDF). The UNPDF clearly articulates in nearly all sub-outcomes how gender equality and women's empowerment should be promoted. The 2011-2015 UNPDF is also aligned with the RPJMN which focuses on gender as one of three mainstreaming perspectives.

As with other UNDP programmes, this project will place women as a priority group and strive to advance gender equality and the empowerment of women as a cross-cutting theme. This will apply to the role and position of women with respect to community-based justice, access to legal aid, and treatment before the law. Gender equality will be advanced by taking all possible measures to ensure women's equal participation in decision-making forums and access to benefits under the programme. Databases will incorporate sex disaggregated data to gauge the impact of the project on women as a group, and to promote gender mainstreaming in tools for monitoring and evaluation. Special attention will be paid to reflecting gender issues in all curricula and training materials to be developed for the Supreme Court Training Centre.

The main objective of this project is the enhancement of public trust in the judicial system through support to the Government of Indonesia in strengthening the rule of law. The project will ensure that gender equality and women's empowerment will be advanced by taking all possible measures to address women's equal participation in

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<sup>31</sup> Gender Equality Strategy UNDP, p.3

decision-making forums and access to benefits under the project. The project follows UNDP's Strategic Plan and Gender Equality Strategy objective to ensure women's and men's equal participation in the governance process and their equal benefit from services provided. These are preconditions for the achievement of inclusive and effective governance.

The project will enhance the awareness of gender parity through a gender sensitive curriculum and training materials for the Supreme Court Training Centre and through guidelines for competency-based and gender sensitive human resource management.

## 2.6. Stakeholders and beneficiaries

This programme has been designed in accordance with the Supreme Court's Blueprint for Reform and the Government of Indonesia Reform Plans. All relevant stakeholders have been consulted in a participatory manner and have endorsed the objectives and results of this programme.

While the ultimate beneficiaries of this programme are the Indonesian citizens, the main institutional stakeholders that will directly benefit from this programme include:

The **Supreme Court** is an independent judicial arm of the state.<sup>32</sup> It is the highest Appellate Court for the courts of general jurisdiction, the religious courts, the state administrative courts and the military courts. The Supreme Court is responsible for the administration of all four courts' jurisdiction with the exception of the tax court.

The **Tax Court**<sup>33</sup> is a specialised court within the state administrative courts. It is the only court that administratively still remains under the supervision of the executive, notably the Ministry of Finance. This court plays a pivotal role in ensuring an effective and fair revenue administration. Its jurisdiction extends to disputes between the tax office and the taxpayers.

The **Administrative Courts**<sup>34</sup> were established in 1986 to ensure that people would not be treated arbitrarily by government officials or organizations. They rule in disputes involving state officials or bodies both at the centre and in the regions, and their jurisdiction cover administrative laws. Administrative courts play a pivotal role, inter alia, in protecting the environment because of their jurisdiction on matters including permits to use natural resources.

The **Anti-Corruption Court**<sup>35</sup> was formed in order to examine and rule on corruption offenses brought by the Commission for the Eradication of Corruption (the KPK) in

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<sup>32</sup> The Supreme Court was established under Basic Law on the judiciary 14/1970, then repealed and replaced by Law Number 35/1999 and then Law Number 4/2004.

<sup>33</sup> Indonesia has had a Tax Review Tribunal since 1915 based in Batavia (Jakarta). The regulation establishing this tribunal was amended by Law Number 29/1927 and then Law Number 5/1959, which changed the name to Tax review Council. The Council performed this function until 1997, when Law Number 17/1997 established the Tax Dispute Settlement Board. Law Number 14/2002 established the present Tax Court.

<sup>34</sup> The Administrative Courts were established under Law Number 5/1986 on State Administration Judicature subsequently amended by Law number 9/2004.

<sup>35</sup> The Anti-Corruption Court was formed under Article 53 of Law Number 30 of 2002 on the Commission for the Eradication of Corruption (Law No. 30 of 2002), but in 2011 Law Number 26/2011 on Anti-Corruption Court was enacted as mandated by Constitutional Court decision.

its indictments, however with the enactment of Law Number 26/2011 the Anti-corruption courts are now able to trial corruption cases brought by State Prosecution Office. The role of the KPK is to (i) coordinate with the agencies authorized to eradicate corruption; (ii) supervise the agencies authorized to eradicate corruption; (iii) conduct investigations, interrogations and prosecutions with respect to corruption; (iv) take steps to prevent corruption; and (v) monitor the management of government. The Anti-Corruption Court is authorized to examine and rule on corruption offenses committed by Indonesian citizens both within and outside the Republic of Indonesia.

**Juvenile Courts** are specialised courts within the general courts. Indonesia has recently enacted Law Number 11/2012 on Juvenile Court System to replace the Law Number 3/1997 on Juvenile Court, where some important reforms on juvenile procedure are regulated. A session of the Juvenile Court has the responsibility and obligation to examine, adjudicate upon and decide on the type of cases specified in Law Number 11/2012 on Juvenile Court System. The procedures in the juvenile court are the same as in a conventional criminal court. However, because the accused in the matter at hand is a child<sup>36</sup>, some special provisions apply and according to the new law, court decision should be taking into consideration a restorative approach and avoid imprisonment.

**Judicial Commission** was established by Law Number 22/2004 which was then amended by Law No 18/2011, as a consequence of the third amendment to the Constitution of Indonesia, which was ratified by the People's Consultative Assembly on 9 November 2001<sup>37</sup>. Its main functions are to nominate Supreme Court Justices candidates, and to supervise the conduct of judges. According to the new law in 2011 the Commission is also given responsibilities to cooperate with the Supreme Court in the recruitment of candidate judges, and to promote judges' welfare.

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<sup>36</sup> In Indonesia, a person who is already 12 years old but has not yet reached 18 years old and has never being married is considered to be a child, as defined in Law number 11/2012.

<sup>37</sup> The idea of a body to consider and give a final ruling on the appointment, promotion, transfer or dismissal of judges first arose in 1968, but failed to make the statute books. Pressure for the establishment of a body to bring about an honest, clean, transparent and professional legal system resurfaced in 1998 after President Soeharto resigned from office.

### 3. Results and Resources Framework (RRF)

(Note: Activities will be re-confirmed in the inception phase and in the annual work plans approved by Project Steering Committee)

<p><b>UNDAF Outcome #3:</b> People participate more fully in democratic processes resulting in pro-poor, gender responsive, peaceful, more equitable and accountable resource allocation and better protection of vulnerable groups.</p>
<p><b>Expected CP Outcome(s):</b> Justice Providers and institutions are more effective in protecting human rights, and citizens enjoy improved access to justice (CPAP Outcome 3.3)</p>
<p><b>Applicable Key Result Area (from 2008-11 Strategic Plan):</b></p> <p><b>Expected Output(s):</b></p> <ul style="list-style-type: none"> <li>▪ Output 1: Enhanced internal and external oversight mechanisms of judiciary.</li> <li>▪ Output 2: Enhanced knowledge and skills of judges &amp; court staff and strengthened capacity of the Supreme Court Training Centre.</li> <li>▪ Output 3: Enhanced human resource and organization management via integrated human resources performance management databases and an effective implementation of advanced human resources policies and a strengthened Judicial Reform Team Office</li> <li>▪ Output 4: Enhanced case management system and procedures of the judiciary to improve transparency, quality of case data and decisions and timeliness of case handling.</li> </ul>
<p><b>Implementing Partner:</b> Supreme Court</p>
<p><b>Project title and ID (ATLAS Award ID):</b> EU-UNDP Support to the Justice Sector Reform.</p>

**Overall objective:** To strengthen the rule of law and consequently enhance public trust in the judicial system...

**Indicators:**

Improvement of Public Perception Indexes toward the judicial system

**Source and means of verification:**

- Central Bureau Statistics
- UNDP Human Development Index (HDI) reports
- Indonesia Progress Report on Millennium Development Goals
- Reports from World Bank, Transparency International, Corruption Eradication Commission
- Reports from relevant Non-Governmental Organizations and Think Tanks

**Assumptions**

- Continuous commitment of the Government of Indonesia to the justice reform process and achievement of Millennium Development Goals
- Social and political stability is maintained
- Institutional reform will remain a priority of the government's development agenda during the programme's implementation

## EU-UNDP Support to Justice Sector Reform in Indonesia

**Specific objective:** To increase the transparency, integrity and accountability of the judiciary and the quality of justice service delivery for the people.

### Indicators:

- Better caseload management, reduction in case backlog and case disposition time, reduction in administrative burden of judges, increased transparency of judicial procedures and improved compliance with procedural law

### Source and means of verification:

- Baseline survey report on judicial management
- Supreme Court's Annual Reports
- Judicial Commission's reports
- Non-Governmental Organizations and Media reports
- Survey Reports

### Assumptions

- Continuous commitment of the Supreme Court and in particular its leaderships in the implementation of the Blueprint for reform
- Continuous coordination amongst donors to enhance coherence, coordination and complementarity
- Continuous existence of the Supreme Court Judicial Reform Team
- Smooth cooperation between the Supreme Court, the Tax court and the Ministry of Finance
- Smooth cooperation between the Supreme Court and the Judicial Commission
- Commitment of the Government of Indonesia to provide State funding from 2019 onwards to sustain the results achieved during the implementation of the programme

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>National Priority:</b> Justice for All (Presidential Instruction #3/2010; National Mid-Term Development Plan 2010-2014) <b>UNPDF Outcome #3:</b> People participate more fully in democratic processes resulting in pro-poor, gender responsive, peaceful, more equitable and accountable resource allocation and better protection of vulnerable groups. <b>UNDP CPAP OUTCOME: (3.3.) Justice Providers and institutions are more effective in protecting human rights, and citizens enjoy improved access to justice</b>				
Project title and ID (ATLAS Award ID): EU-UNDP Support to the Justice Sector Reform in Indonesia				
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
<b>Output 1:</b> <b>Enhanced internal and external oversight mechanisms of judiciary</b>				
<b>Indicators</b> Effective implementation of SC-JC Joint Regulation ( <i>Peraturan Bersama</i> ) and the proper functioning of the Working Committee for the improvement of a more impartial, accessible, independent, accountable and effective judiciary is established between the SC and Judicial Commission Monitoring System to share info between the internal oversight mechanism of the SC and the Judicial Commission is in place and implemented	<b>Year 1</b> Minimum 2 joint activity is conducted by the Supreme Court and Judicial Commission facilitated by the liaison officer. Monitoring System to share info between the internal oversight mechanism and the Judicial Commission is developed	<b>Enhanced working relationship of the Supreme Court and the Judicial Commission by implementing the recommendations elaborated by the working committee of the Supreme Court and the Judicial</b> Assign a Liaison Officer to facilitate and provide technical assistance to the Working Committee of SC and JC. Conduct Joint Activities to implements recommendations elaborated by SC and JC through, <i>inter alia</i> , the organization of workshops, seminars, studies, liaisons officers, joint visits abroad. Develop guideline and implement Monitoring System to share info between the internal oversight mechanism of the	Supervision Body ( <i>Badan Pengawasan</i> ) of the Supreme Court Judicial Commission Judicial Reform Team UNDP	2,410,245
	<b>Year 2</b> Effective implementation of SC-JC joint regulation ( <i>Peraturan Bersama</i> ) Minimum 2 joint activity is conducted by the Supreme Court and Judicial Commission			

<sup>38</sup> Note: Further discussion with each relevant counterparts to establish baseline and indicators will be conducted within the first year of the program

## EU-UNDP Support to Justice Sector Reform in Indonesia

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Project title and ID (ATLAS Award ID): EU-UNDP Support to the Justice Sector Reform in Indonesia				
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
<b>Sources and means of verifications</b> Supreme Court's Annual Reports Supreme Court report Judicial Commission report Non-Government Organizations reports Media reports International Organizations' reports  <b>Baseline</b> SC and JC have established Working Committee through Chief Justice Decree Number 10/2011. But its functions need to be enhanced	Monitoring System to share info between the internal oversight mechanism and the Judicial Commission is developed  <b>Year 3</b> Minimum 2 joint activity is conducted by the Supreme Court and Judicial Commission  Monitoring System to share info between the internal oversight mechanism and the Judicial Commission is effectively implemented  <b>Year 4 and 5</b> Minimum 2 joint activities are conducted by the Supreme Court and Judicial Commission	SC and the external oversight mechanism of the Judicial Commission		
<b>Indicators</b> Standard operating procedures and policies relating to internal oversight	<b>Year 1</b> Comprehensive assessment on the current internal oversight	<b>Guidelines to assist in the restructuring of internal oversight functions (internal oversight) is</b>	Supervision Body (Badan Pengawasan) of	



## EU-UNDP Support to Justice Sector Reform in Indonesia

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<b>Project title and ID (ATLAS Award ID):</b> EU-UNDP Support to the Justice Sector Reform in Indonesia				
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
<p>mechanism are in place and implemented</p> <p>External survey instrument to analyze the court services, jointly developed with the CSOs is enhanced and implemented</p> <p>N° of external surveys conducted by CSOs based on improved instrument aimed at the development of quality improvement policies (Notes: ideally, the number of survey should be statistically correct to represent the sample population with acceptable margin of errors)</p> <p><b>Sources and means of verifications</b></p> <p>Supreme Court's Annual Reports</p> <p>Supreme Court reports</p> <p>CSO's survey reports</p> <p>Non-Government Organizations reports</p>	<p>functions to support organizational transitions process of the internal oversight functions</p> <p>Improved External Court Survey Method and Tools</p> <p><b>Year 2</b></p> <p>Standard operating procedures and policies relating to internal oversight mechanism are in place and implemented</p> <p>1 external survey conducted by CSOs based on the developed instrument</p> <p><b>Year 3</b></p> <p>Minimum 2 workshops with stakeholders to disseminate survey result are conducted</p> <p>Minimum 1 activity to improve main critical issues is conducted.</p> <p><b>Year 4 and 5</b></p> <p>1 external survey conducted by</p>	<p><b>developed; and survey instrument is reviewed, refined and conducted jointly with Civil Society Organizations (CSOs)</b></p> <p>Conduct an assessment on the current internal oversight functions and develop guideline to support organizational transitions process of the internal oversight functions.</p> <p>Improve and Institutionalize the External Court Survey Method and Tools, conduct follow up survey if required.</p> <p>Develop recommendations to SC to follow up External Court Survey's results and support to improve main critical issues.</p>	<p>the Supreme Court Civil Society Organizations (CSO) Judicial Team UNDP</p>	

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Project title and ID (ATLAS Award ID): EU-UNDP Support to the Justice Sector Reform in Indonesia				
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
Media reports International Organizations' reports  <b>Baseline</b> To be confirmed	CSOs based on the developed instrument Minimum 2 workshop2 with stakeholders to disseminate survey result are conducted Minimum 1 activity to improve main critical issues is conducted.			
<b>Indicator</b> Enhanced public complaint mechanism in pilot regions (7 or 8 pilots) to enable an investigation to be tracked and keep statistics on complaints and responses  <b>Sources and means of verifications</b> Supreme Court's Annual Reports Supreme Court report Disciplinary action reports and personnel reports	<b>Year 1</b> Comprehensive assessment to the current system for monitoring and handling complaints and coordination mechanism between the provincial and district courts and Supreme Court oversight function. <b>Year 2</b> Coordination and reporting system to trace and monitor public complaint's handling in 7 pilot courts is developed <b>Year 3</b>	<b>3. Current system for monitoring and handling complaints is assessed; and public complaints and handling mechanism (PCM), which includes a system for tracing and monitoring complaints' handling, is enhanced in selected regions</b>  Conduct an assessment to the current system for monitoring and handling complaints and coordination mechanism between the provincial and district courts and Supreme Court oversight function.  Enhance public complaint handling mechanism in pilot courts in selected regions, develop a system for tracing ad	Supervision Body ( <i>Badan Pengawasan</i> ) of the Supreme Court  Targeted pilot courts (district appeal courts)  Judicial Commission  Judicial Reform Team  UNDP	

## EU-UNDP Support to Justice Sector Reform in Indonesia

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Project title and ID (ATLAS Award ID): EU-UNDP Support to the Justice Sector Reform in Indonesia				
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
Non-Government Organizations reports Media reports International Organizations' reports  <b>Baseline</b> Number of complaints to the SC in 2013 is 2278 (SC Annual Report 2013). Number of complaints followed up with investigation by Supervisory Body of SC is 157 complaints (SC Annual Report 2013). Number of disciplinary actions taken by SC in 2013 is 173 (SC Annual Report 2013).	Public outreach and capacity strengthening of public complaint officers 7 pilot courts are implemented  <b>Year 4 and 5</b> Public complaint mechanism including coordination, reporting system, in 7 pilot courts to enable an investigation to be tracked and keep statistics on complaints and responses is effectively implemented.	monitoring complaints' handling and deliver related training to court staff.		
<b>Indicator</b> System to check the wealth report compliance for judges and court	<b>Year 1</b> -	<b>4. A system for compliance check of wealth reports of judges and court staff by Supreme Court in view of cooperation with the Corruption</b>	Supervision Body (Badan Pengawasan) of the Supreme	



## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>National Priority:</b> Justice for All (Presidential Instruction #3/2010; National Mid-Term Development Plan 2010-2014) <b>UNPDF Outcome #3:</b> People participate more fully in democratic processes resulting in pro-poor, gender responsive, peaceful, more equitable and accountable resource allocation and better protection of vulnerable groups. <b>UNDP CPAP OUTCOME: (3.3.) Justice Providers and institutions are more effective in protecting human rights, and citizens enjoy improved access to justice</b>				
<b>Project title and ID (ATLAS Award ID):</b> EU-UNDP Support to the Justice Sector Reform in Indonesia				
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
<p>staffs in place and regularly updated for supervision and compliance practices</p> <p><b>Sources and means of verifications</b></p> <p>Supreme Court's Annual Reports</p> <p>Supreme Court reports</p> <p>Corruption Eradication Commission report</p> <p>Media reports</p> <p>Non-Government Organizations' reports</p> <p><b>Baseline</b></p> <p>Wealth report compliance of the SC in 2013 is 87.59% (SC Annual Report 2012).</p>	<p><b>Year 2</b></p> <p>The target of wealth report is expanded by enactment of joint regulation or MoU between SC and Corruption Eradication Commission</p> <p><b>Year 3</b></p> <p>System for Supreme Court to check wealth report compliance is implemented</p> <p><b>Year 4 and 5</b></p> <p>The wealth report is regularly updated for and used for supervision and compliance practices</p>	<p><b>Eradication Commission is developed.</b></p> <p>Develop cooperation with the Corruption Eradication Commission in ensuring compliance of wealth reports of judges and court staff, establish compliance system including sanctions.</p> <p>Update and use wealth report results for policy making and supervision</p>	<p>Court</p> <p>Judicial Commission</p> <p>Corruption Eradication Commission</p> <p>Judicial Reform Team</p> <p>UNDP</p>	

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INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
<b>Indicator</b> Study report on the present system of tax dispute settlement system in Indonesia and a design proposal for an appropriate tax dispute settlement reform strategy (blueprints for reform), including human resources management of the Tax Court  <b>Sources and means of verifications</b> Supreme Court's Annual Reports Supreme Court reports Tax Court or Ministry of Finance reports Non-Government Organizations reports International Organizations' reports  <b>Baseline</b>	<b>Year 1</b> - <b>Year 2</b> Minimum 2 workshops to assess the tax court model, based on the study on the Tax Dispute Settlement System are implemented  <b>Year 3</b> Study report on the present system of tax dispute settlement in Indonesia <b>Year 4 and 5</b> Proposal for an appropriate tax administration system reform strategy (blueprints for reform), including human resources management of the Tax Court is developed	<b>5. The tax court model assessment, including the study on the Tax Administrative System is developed</b> Conduct a study on the Tax Administration System (including tax dispute settlement) through workshop & assessment, to develop a Tax Court Model, including human resource management of Tax Court personnel	Supreme Court Ministry of Finance Tax Court UNDP	



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**UNPDF Outcome #3:** People participate more fully in democratic processes resulting in pro-poor, gender responsive, peaceful, more equitable and accountable resource allocation and better protection of vulnerable groups.

**UNDP CPAP OUTCOME: (3.3.) Justice Providers and institutions are more effective in protecting human rights, and citizens enjoy improved access to justice**

**Project title and ID (ATLAS Award ID):** EU-UNDP Support to the Justice Sector Reform in Indonesia

INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
To be confirmed				
<b>Output 2:</b>				
<b>Enhanced knowledge and skills of judges &amp; court staff and strengthened capacity of the Supreme Court Training Centre</b>				
<b>Indicators</b> Increased capacity of SC Training Centre on curriculum development based on a training needs assessment; delivery of training programmes for candidate registrars and bailiffs, continuing judicial education, leadership training for senior judges, and certification programmes; evaluation of training by using the Kirkpatrick's four levels of evaluation model; and development of sustainable e-learning model by taking stock on available approach from other institutions	<b>Year 1</b> Assess the institutional capacity of the SC Training Centre including programs and organizational aspects, by conducting study research and comparative study, to identify gap analysis and develop strategic plan and annual work plan to strengthen the capacity of SC Training Centre. Develop competency standard for positions in SC Training Centre and needs for competency development	<b>1. Capacity of the Supreme Court's Training Centre strengthened in training management and development of monitoring and evaluation tools</b> Assess the institutional capacity of the SC Training Centre including programs and organizational aspects, by conducting study research and comparative study, to identify gap analysis and develop strategic plan and annual work plan to strengthen the capacity of SC Training Centre. Develop competency standard for positions in SC Training Centre and needs for competency development, and conduct performance based competency	Judicial Training Centre of The Supreme Court Judicial Reform Team UNDP	6,624,179

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Project title and ID (ATLAS Award ID): EU-UNDP Support to the Justice Sector Reform in Indonesia				
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
<p><i>Notes: Study visits may need to be conducted in order to increase the knowledge and experience of the staff/trainers on international training institutions.</i></p> <p>Increased the quality of training through trainer skills development (training of trainers/ ToT), develop a robust policy support framework and defined career path</p> <p>N° of judges and candidate judges trained in the field of State Administration Court, Tax Court, and General Courts. The number of participants shall reflect gender equality and distribution of benefits.</p> <p>3 Certification programmes developed upon discussion and consultation with the Supreme Court of Indonesia. (The programmes shall consist of full cycle of certification program, from need assessment, required or relevant trainings, the certification itself, and post-</p>	<p><b>Year 2</b></p> <p>Conduct performance based competency assessment</p> <p>Develop policy support framework and defined career path based on competency.</p> <p>Conduct training needs assessment and develop a comprehensive curriculum for SC Training management and trainers</p> <p>Develop, evaluate and implement e-learning tools for Continuing Judicial Education &amp; Candidate Judges Training</p> <p><b>Year 3</b></p> <p>Assist and implement training in the area of management and trainers skills development (Training of Trainers/ToT), to strengthen capacity of SC</p>	<p>assessment</p> <p>Develop policy support framework and defined career path based on competency.</p> <p>Conduct training needs assessment and develop a comprehensive curriculum for SC Training management and trainers</p> <p>Assist and implement training in the area of management and trainers skills development (Training of Trainers/ToT), to strengthen capacity of SC Training Centre to provide high quality training.</p> <p>Develop code of ethics training for candidate judge and refreshment training for judge.</p> <p>Develop, evaluate and implement e-learning tools for Continuing Judicial Education &amp; Candidate Judges Training</p>		

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certification monitoring mechanism Full integration of new training and education system developed into the standard curriculum proposed by the Supreme Court's Training Centre  <b>Sources and means of verifications</b> Training plan of the Judicial Training Centre Training syllabi Reports on pre- and post- tests Supreme Court's Annual Reports	Training Centre to provide high quality training.  <b>Year 4 &amp; 5</b> Assist and implement training in the area of management and trainers skills development (Training of Trainers/ToT), to strengthen capacity of SC Training Centre to provide high quality training.			
<b>Baseline</b> SC has implemented Candidates Judges Training Program (PPC), Continuing Judicial Education Program (CJE) I & II and Leadership Training Program but the programs need to be enhanced.	<b>Year 1</b> Conduct review & evaluation of training certification program and develop standard for training certification programmes.  <b>Year 2</b> Conduct training needs	<b>Capacity of SC's Training Centre increased to develop and implement certification training programme</b> Conduct review & evaluation of training certification program and develop standard for training certification programmes in the area of environmental protection, anti-corruption, civil cases and juvenile justice.	Judicial Training Centre of The Supreme Court Judicial Reform Team UNDP	



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<p>SC has implemented Training Officer Course (TOC) and Management of Training (MOT) but the programs need to be enhanced</p> <p>SC has implemented certification programme for anti-corruption, commercial case, illegal fishery and environmental, but the programs need to be enhanced.</p> <p>In 2011 SC enacted Chief Justice Decree number 134/2011 on Environmental Law Certification, and has trained 33 judges in cooperation with ICEL.</p> <p>From 2007 – 2011 SC has trained 1398 judges in anti-corruption certification program</p> <p>In 2013 SC has trained 194 registrars and 189 bailiffs.</p>	<p>assessment to improve curriculum of certification training programmes</p> <p>Implement the revised certification training, including in the area of anti-corruption and mediation as a means to enhance access to justice for vulnerable groups (women &amp; children) in collaboration with relevant institutions such as the AGO's office and Indonesian National Police.</p> <p><b>Year 3</b></p> <p>Implement the revised certification training, including in the area of anti-corruption and mediation as a means to enhance access to justice for vulnerable groups (women &amp; children) in collaboration with relevant institutions such as the AGO's office and Indonesian National</p>	<p>Conduct training needs assessment to improve curriculum of certification training programmes, and implement the revised certification training, including in the area of anti-corruption and mediation as a means to enhance access to justice for vulnerable groups (women &amp; children) in collaboration with relevant institutions such as the AGO's office and Indonesian National Police.</p> <p>Develop online database of certification training's participants and link the database to promotion and transfer system</p> <p>Develop monitoring and evaluation of certification training program including quality control of certification training graduates</p> <p>Develop and evaluate of e-learning tools in these fields between the relevant institutions.</p>		

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INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
	<p>Police.</p> <p>Develop monitoring and evaluation of certification training program including quality control of certification training graduates</p> <p><b>Year 4 &amp; 5</b></p> <p>Implement the revised certification training, including in the area of anti-corruption and mediation as a means to enhance access to justice for vulnerable groups (women &amp; children) in collaboration with relevant institutions such as the AGO's office and Indonesian National Police.</p> <p>Develop and evaluate of e-learning tools in these fields between the relevant institutions.</p> <p>Develop online database of</p>			



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	certification training's participants and link the database to promotion and transfer system			
	<p><b>Year 1</b> Develop and improve curriculum for candidate registrars and bailiffs, based on training needs assessment</p> <p><b>Year 2</b> Assist and implement 30 % training programs for candidate registrars and bailiffs, started with pilot trainings.</p> <p><b>Year 3</b> Assist and implement 40% training programs for candidate registrars and bailiffs, started with</p>	<p><b>Capacity of SC Training Centre to undertake curriculum development based on the results of a training needs assessment, and to deliver training programmes for candidate registrars and bailiffs, is enhanced</b></p> <p>Develop and improve curriculum for candidate registrars and bailiffs, based on training needs assessment and develop monitoring and evaluation tools.</p> <p>Support the implementation of training programs for candidate and registrars and bailiffs (commencing with pilot trainings), including code of ethics.</p>	<p>Tax Court Ministry Finance UNDP of</p>	

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	pilot trainings.			
	<b>Year 4 and 5</b> Assist and implement 30% training programs for candidate registrars and bailiffs, started with pilot trainings.			
	<b>Year 1</b> Assist and implement workshop on selected issues to Tax Court judges  <b>Year 2</b> Develop a comprehensive curriculum for Tax Court judges on substantive and procedural law, including integrity (code of ethics and conduct), based on training needs assessment	<b>Knowledge of Tax Court staff on substantive and procedural law, including integrity (code of ethics and conduct) enhanced</b>  Develop a comprehensive curriculum for Tax Court judges on substantive and procedural law, including integrity (code of ethics and conduct), based on training needs assessment  Assist and implement workshop or training on selected issues to Tax Court		

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INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
	Assist and implement workshop or training on selected issues to Tax Court judges  <b>Year 3</b> Assist and implement workshop or training on selected issues to Tax Court judges  Assist and implement workshop or training on selected issues to Tax Court judges  <b>Year 4 and 5</b> Assist and implement workshop on selected issues to Tax Court judges	judges		

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INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
	<p><b>Year 1</b></p> <p>-</p> <p><b>Year 2</b></p> <p>Develop a comprehensive curriculum for Continuing Judicial Education Programme tailored to Administrative Courts, based on training needs assessment</p> <p><b>Year 3</b></p> <p>Assist and implement 50% training programs for Continuing Judicial Education Programme tailored to Administrative Courts, started with pilot trainings.</p> <p><b>Year 4 and 5</b></p> <p>Assist and implement 50% training programs for Continuing</p>	<p><b>Knowledge of Administrative Court Judges enhanced through Continuing Judicial Education Programme</b></p> <p>Develop a comprehensive curriculum for Continuing Judicial Education Programme tailored to Administrative Courts, based on training needs assessment</p> <p>Assist and implement training programs for Continuing Judicial Education Programme tailored to Administrative Courts, started with pilot trainings.</p>		



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	Judicial Education Programme tailored to Administrative Courts, started with pilot trainings.			
	<b>Year 1</b> Conduct review & evaluation of leadership training programmes.  <b>Year 2</b> Conduct training needs assessment to improve curriculum of leadership training programmes Implement the leadership training programmes  <b>Year 3</b> Develop online database of leadership training's participants and link the database to	<b>Knowledge of senior judges and staff enhanced through leadership training programme</b>  Conduct review & evaluation of leadership training programmes.  Conduct training needs assessment to improve curriculum of leadership training programmes, and implement the leadership training programmes  Develop online database of leadership training's participants and link the database to promotion and transfer system  Develop monitoring and evaluation of leadership training program including quality control of leadership training graduates		

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	promotion and transfer system Implement the leadership training programmes  <b>Year 4 and 5</b> Implement the leadership training programmes Develop monitoring and evaluation of leadership training program including quality control of leadership training graduates			
<b>Output 3</b> <b>Human Resource and Organization Management of judiciary enhanced through an integrated Human Resources performance management databases, effective implementation of advanced Human Resources policies, and a strengthened Judicial Reform Team Office 2,579,113</b>				
Indicators Improved Human Resources management with clear gender-sensitive, competence and	Year 1 Comprehensive assessment on the current human resource management policies and	Competency-based human resource management guideline for recruitment and placement of human resources developed	Secretariat of Supreme Court Administration Affair Body of the	



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<p>performance-based Resources policies and guidelines</p> <p>Human performance management system for all judges and staffs.</p> <p>Adopted clear organizational chart, defining reporting lines and mechanisms and mandate of each unit.</p> <p><b>Sources and means of verifications</b></p> <p>Supreme Court and Judicial Commission's records</p> <p>Supreme Court's Annual Reports</p> <p>Non-Government Organizations reports</p> <p>Media's reports</p> <p><b>Baseline</b></p>	<p>guidelines</p> <p><b>Year 2</b></p> <p>Minimum 2 workshops and seminars to develop policies and guidelines are conducted</p> <p><b>Year 3</b></p> <p>Integrated policies and guidelines for competence-based Human Resources management is developed</p> <p><b>Year 4</b></p> <p>Policies and guidelines for competence-based Human Resources management is effectively implemented</p>	<p>Conduct assessment on the current human resource management policies and guidelines</p> <p>Provide technical assistance to SC to develop integrated policies and guidelines for competence-based Human Resources management, which is gender sensitive, and linking competences and career development (rotation, mutation and promotion) as well as for performance-based Human Resources management, linking the career progression to job performance.</p> <p>Assist the SC to conduct training/workshop to develop and implementing policies and guideline for competence-based Human Resources management in recruitment, placement and career development.</p>	<p>Supreme Court, particularly the Human Resource Bureau</p> <p>SC's General Body (Badilium)</p> <p>SC's Religious Body (Badilag)</p> <p>SC's State Administration and Military Body (Badimiltun)</p> <p>SC's Supervision Body</p> <p>SC's Training Centre</p> <p>Judicial Reform Team</p> <p>UNDP</p>	

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<p>The institutionalize process of human resource reform programs in the SC has been difficult</p> <p>There is no clear provisions on human resource management with regard to Judge, after they are separated from Civil Servant (PNS) laws and regulations</p> <p>There is no integrated policy or guideline which consists of full cycle of human resources management.</p>				
<b>Indicators</b> Adopted joint single Human Resources database of Supreme Court linking training and supervision reports (including performance reports) for all Supreme Court staff → allows for a more efficient and transparent Human Resources management → leads to a more competent justice system	<b>Year 1</b> Comprehensive assessment of the existing Supreme Court database of human resources, supervision, training, and other relevant source of human resource data <b>Year 2</b> Technical assistance to update and merge human resources	<b>Integrated human resource database developed which provides mechanism for performance measurement of judges and court staff</b> Assess the status of the existing Supreme Court database of human resources, supervision, training, and other relevant source of human resource data	Secretariat of Supreme Court Administration Affair Body of the Supreme Court, particularly the Human Resource Bureau (Biro Kepegawaian) and Law & Information	

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<p><i>Notes: Database includes: names, Job descriptions, assignment location and duration, training; and complemented with the performance report for the judges and staffs.</i></p> <p>Number of dedicated Human Resources personnel trained to use central database and revised Human Resources policies in recruitment, career system and supervision</p> <p><b>Sources and means of verifications</b></p> <p>Supreme Court and Judicial Commission's records</p> <p>Supreme Court's Annual Reports</p> <p>International Organizations reports</p> <p><b>Baseline</b></p> <p>SC launched integrated information system SIMARI on 2012, which</p>	<p>databases is provided</p> <p><b>Year 3</b></p> <p>SOPs on the integrated HR databases are developed and implemented.</p> <p>Established single Database with data of all Supreme Court Staff concerned: names, Job descriptions, assignment location and duration, training; and complemented with the performance report for the judges and staffs</p> <p><b>Year 4 and 5</b></p> <p>Forty dedicated Human Resources personnel are trained and use central database and competence based HR policies and regulation.</p>	<p>Update and merge Human Resources databases and link it to training and supervision databases, and provide the performance measurement features for the judges and court staffs.</p> <p>Conduct training to human resources personnel to use central database</p>	<p>Bureau (Biro Hukum Humas)</p> <p>SC's General Body (Badilum)</p> <p>SC's Religious Body (Badilag)</p> <p>SC's State Administration and Military Body (Badimilitun)</p> <p>SC's Supervision Body</p> <p>SC's Training Centre</p> <p>Judicial Reform Team</p> <p>UNDP</p>	

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<p>integrated data from 4 court jurisdiction. The effectiveness of the system still needs to be assessed.</p> <p>SC Directorate General use SIPEG (Personnel Information System) application system. The effectiveness and the connection to other application of the system still needs to be assessed</p> <p>SC implements Personnel Service Application System (SAPK) in 2011, a national system used by National Civil Service Agency Body (BKN) to process data related to promotion, pension, and formation of civil servants.</p>	<p><b>Year 1</b></p> <p>Two technical experts provided to the Judicial Reform Office to support the implementation of Blueprints of reform.</p> <p>Developed blueprint's evaluation</p>	<p>Technical expert advice and support are provided to the Supreme Court on the implementation of its blueprints for reform 2010-2035.</p> <p>Provide technical experts to JRTO to assist SC on the implementation of</p>	<p>Judicial Reform Team Civil Society Organization (CSO) UNDP</p>		

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>National Priority:</b> Justice for All (Presidential Instruction #3/2010; National Mid-Term Development Plan 2010-2014) <b>UNPDF Outcome #3:</b> People participate more fully in democratic processes resulting in pro-poor, gender responsive, peaceful, more equitable and accountable resource allocation and better protection of vulnerable groups. <b>UNDP CPAP OUTCOME: (3.3.) Justice Providers and institutions are more effective in protecting human rights, and citizens enjoy improved access to justice</b>				
Project title and ID (ATLAS Award ID): EU-UNDP Support to the Justice Sector Reform in Indonesia				
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
<p>tools for the Supreme Court.</p> <p><b>Sources and means of verifications</b></p> <p>Supreme Court's Annual Reports</p> <p>Non-Governmental Organizations reports</p> <p>Media's reports</p> <p><b>Baseline</b></p> <p>Judicial Reform Team has conducted Blueprint evaluation in 2013 but the result has not been released.</p> <p>There is no fixed instrument that regularly used to conduct blueprint evaluation from time to time.</p>	<p>tools for the Supreme Court.</p> <p><b>Year 2</b></p> <p>Surveys and workshops to evaluate the implementation of the blueprint based on the developed tools</p> <p>Report of Blueprint implementation based on evaluation tools</p> <p><b>Year 3</b></p> <p>At least 1 policy paper to support implementation of Supreme Court Blueprint is developed</p> <p><b>Year 4 and 5</b></p> <p>Surveys and workshops to evaluate the implementation of the blueprint based on the developed tools</p> <p>Report of Blueprint implementation based on evaluation tools</p>	<p>Blueprint</p> <p>Support the SC to develop/enhance and implement blueprint's evaluation tools.</p> <p>Develop relevant policy papers to support implementation of Supreme Court Blueprint</p>		



## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>National Priority:</b> Justice for All (Presidential Instruction #3/2010; National Mid-Term Development Plan 2010-2014) <b>UNPDF Outcome #3:</b> People participate more fully in democratic processes resulting in pro-poor, gender responsive, peaceful, more equitable and accountable resource allocation and better protection of vulnerable groups. <b>UNDP CPAP OUTCOME: (3.3.) Justice Providers and institutions are more effective in protecting human rights, and citizens enjoy improved access to justice</b>				
Project title and ID (ATLAS Award ID): EU-UNDP Support to the Justice Sector Reform in Indonesia				
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
<b>Output 4</b> <b>Enhanced Case Management System and procedures of the judiciary to improve transparency, quality of case data and decisions and timeliness of case handling</b>				
<b>Indicators</b> Implementation of enhanced case management procedures and electronic case files system in selected pilot courts to improve court efficiency and reduce backlog (Target: 7 to 8 pilot courts) Legal information is available and accessible at central and local levels for judges and justice seekers Developed regulatory framework for the new case management system. Case management includes: administrative, logistics, procedural, and content	<b>Year 1</b> Developed mechanism to ensure court compliance in publishing court decisions <b>Year 2</b> At least seven pilot regions are used integrated case tracking system that linking lower courts, appeal courts and SC. <b>Year 3</b> At least three regional centres to provide technical support for case tracking system are established and performed. Accurate and	<b>Electronic case-tracking system (from lower courts, to appeal courts, to Supreme Court) strengthen regional technical support centres enhanced</b> Facilitate the implementation of a computerized case-tracking system linking lower courts, to appeal courts and the Supreme Court that will indicate the performance of judges and registrars. Assist in improving number of courts decisions available online by developing mechanism to promote and ensure court compliance in publishing court decisions, i.e the use of compliance level to determine court, judges, registrars' performance.	Registry Office (Kepaniteraan) of The Supreme Court Judicial Reform Team UNDP	1,802,769

## EU-UNDP Support to Justice Sector Reform in Indonesia

<p><b>National Priority:</b> Justice for All (Presidential Instruction #3/2010; National Mid-Term Development Plan 2010-2014)</p> <p><b>UNPDF Outcome #3:</b> People participate more fully in democratic processes resulting in pro-poor, gender responsive, peaceful, more equitable and accountable resource allocation and better protection of vulnerable groups.</p> <p><b>UNDP CPAP OUTCOME: (3.3.) Justice Providers and institutions are more effective in protecting human rights, and citizens enjoy improved access to justice</b></p>				
Project title and ID (ATLAS Award ID): EU-UNDP Support to the Justice Sector Reform in Indonesia				
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
<p><b>Sources and means of verifications</b></p> <p>Supreme Court's Annual Reports</p> <p>Non-Governmental Organizations report</p> <p>Media's reports</p> <p>International Organizations' reports</p> <p><b>Baseline</b></p> <p>CTS version 2 have been installed in 350 district courts of 352 across Indonesia It has not been installed in only two recently established courts in East Kalimantan and Aceh. However, the effectiveness of the system still needs to be assessed.</p> <p>As at 23 June 2014 there are 873,691 court decisions available in SC  <a href="http://putusan.mahkamahagung.go.id">http://putusan.mahkamahagung.go.id</a></p>	<p>timely management of case administration information in selected pilot regions.</p> <p><b>Year 4 and 5</b></p> <p>Developed regulatory framework for the case management system</p>	<p>Assist in establishing regional centres to provide technical support for case tracking system.</p> <p>Develop regulatory framework for an improved case management system</p>		

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>National Priority:</b> Justice for All (Presidential Instruction #3/2010; National Mid-Term Development Plan 2010-2014) <b>UNPDF Outcome #3:</b> People participate more fully in democratic processes resulting in pro-poor, gender responsive, peaceful, more equitable and accountable resource allocation and better protection of vulnerable groups. <b>UNDP CPAP OUTCOME: (3.3.) Justice Providers and institutions are more effective in protecting human rights, and citizens enjoy improved access to justice</b>					
<b>Project title and ID (ATLAS Award ID):</b> EU-UNDP Support to the Justice Sector Reform in Indonesia					
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)	
In 2013, 292,415 court decisions have been uploaded.					
<b>Indicators</b> Standard operating procedures on how to process cases involving vulnerable groups such as women and children, including rehabilitation and reintegration programmes in order to prevent the recurrence of violence and delinquency, are in place and implemented.	<b>Year 1</b> At least 1 workshop is conducted to develop recommendations on alternative sanctions for children and petty crimes  <b>Year 2</b> At least 1 workshop is conducted to develop recommendations on alternative sanctions for children and petty crimes  <b>Sources and means of verifications</b> Supreme Court's Annual Reports Non-Governmental Organizations report Media's reports International Organizations' reports	<b>Pilot system which prioritizes alternative sanctions for children (restorative justice) and petty crimes, focusing on rehabilitation and reintegration programmes for vulnerable groups is developed</b>  Provide technical assistance and organize workshops and trainings in order to develop a pilot system on alternative sanctions for children (restorative justice) and petty crimes including rehabilitation & reintegration programmes in pilot courts  Facilitate the development and issuance of SOPs on how to process cases involving vulnerable groups such as women and children.  Training on SOPs on how to process cases involving vulnerable groups such	Registry Office (Kepaniteraan) of The Supreme Court  Targeted Pilot Courts  Law and Human Rights Ministry  Judicial Reform Team  UNDP		



## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>National Priority:</b> Justice for All (Presidential Instruction #3/2010; National Mid-Term Development Plan 2010-2014) <b>UNPDF Outcome #3:</b> People participate more fully in democratic processes resulting in pro-poor, gender responsive, peaceful, more equitable and accountable resource allocation and better protection of vulnerable groups. <b>UNDP CPAP OUTCOME: (3.3.) Justice Providers and institutions are more effective in protecting human rights, and citizens enjoy improved access to justice</b>				
<b>Project title and ID (ATLAS Award ID):</b> EU-UNDP Support to the Justice Sector Reform in Indonesia				
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
<b>Baseline</b> SC has enacted Supreme Court Regulation Number 02/2012 on Limitation Adjustment on Petty Crimes and Penalties under the Criminal Code. The implementation has been difficult because lack of guidance in the implementation. SC has enacted Chief Justice Decree Number 26/2012 on Court Service Standard. But there are no special provisions on service standard for woman, children and vulnerable groups.	vulnerable groups is implemented <b>Year 4 and 5</b> At least 1 training on SOPs on how to process cases involving vulnerable groups is implemented SOPs on how to process cases involving vulnerable groups such as woman and children are fully implemented	as women and children		
<b>Indicators</b> Developed regulatory framework for the case management system in tax court. Tax decisions is available and accessible to the public with	<b>Year 1</b> At least 1 workshop is conducted with Tax Court and <i>Pusintek</i> to develop regulatory framework for the case management system in tax court	Regulatory framework for the existing case management system in the Tax Court enhanced and tax case repository (database of tax decisions) made accessible to the public Assist in the enhancement of the	Tax Court Finance Ministry UNDP	

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>National Priority:</b> Justice for All (Presidential Instruction #3/2010; National Mid-Term Development Plan 2010-2014) <b>UNPDF Outcome #3:</b> People participate more fully in democratic processes resulting in pro-poor, gender responsive, peaceful, more equitable and accountable resource allocation and better protection of vulnerable groups. <b>UNDP CPAP OUTCOME: (3.3.) Justice Providers and institutions are more effective in protecting human rights, and citizens enjoy improved access to justice</b>				
Project title and ID (ATLAS Award ID): EU-UNDP Support to the Justice Sector Reform in Indonesia				
INTENDED OUTPUTS <sup>38</sup>	OUTPUT TARGETS	ACTIVITY RESULTS AND INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	Resources (USD)
<p>consideration of confidentiality and classified information</p> <p><b>Sources and means of verifications</b></p> <p>Supreme Court's Annual Reports Tax Court or Ministry of Finance Reports Non-Governmental Organizations report</p> <p><b>Baseline</b></p> <p>There is no specific mechanism to guarantee public access to tax court decisions</p>	<p><b>Year 2</b></p> <p>At least 1 workshop is conducted with Tax Court and <i>Pusintek</i> to develop regulatory framework for the case management system in tax court</p> <p>Developed standard (SOPs) of tax court publications to manage confidentiality information</p> <p><b>Year 3</b></p> <p>Regulatory framework and SOPs to support the case management system in Tax Court is developed</p> <p><b>Year 4 and 5</b></p> <p>Unified Tax Case Depository is developed and accessed by Public considering the confidentiality and classified information.</p>	<p>regulatory framework and SOPs to support the case management system in Tax Courts under the supervision of Institution responsible for information system and technology in the Ministry of Finance (currently Pusintek).</p> <p>Development of standard (SOPs) of tax court publications including the preservation of confidentiality information.</p> <p>Assist in developing a unified tax case repository (database of tax decisions) accessible to the public</p>		

#### 4. Annual Work Plan

The intended start date is July 2014 and the period of implementation of the contract will be 60 months from that date. The first six months of the operational implementation phase of the project will include an inception phase to confirm the content and specific locations of each project activity, to collect baseline data and to draw up a detailed timetable for implementation.

The last six months of the operational implementation phase of the project will be dedicated to phasing out activities and making preparations for sustaining innovations after the project closes.

An indicative work plan for core activities and each of the four Outputs is shown in the table below.

*\*Note: For the purpose of interpreting the provisions included in Art. 9 of the General Conditions, "budget heading" relates to "Output 1,2,3,4 and Project Management".*

#### Summary of Annual Work Plan

	2014	2015	2016	2017	2018	2019	Total (USD)
<b>Output 1:</b> Enhanced mechanisms for the internal and external oversight of the judiciary	97,464.04	600,978.10	385,405.86	421,558.99	222,298.35	88,521.91	1,816,227.25
<b>Output 2:</b> Enhanced knowledge and skills of judges & court staff and strengthened capacity of the Supreme Court Training Centre	269,586.11	1,336,911.27	1,288,776.54	1,153,287.15	550,736.07	104,199.25	4,703,496.40

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>Output 3:</b> Enhanced Human Resource and Organization Management via integrated Human Resources performance management databases and an effective implementation of advanced Human Resources policies and a strengthened Judicial Reform Team Office	132,618.16	826,046.58	355,011.18	305,021.78	233,076	77,014.32	1,928,787.57
<b>Output 4:</b> Enhanced Case Management System and procedures of the judiciary to improve transparency, quality of case data and decisions and timeliness of case handling	304,571.00	405,059.99	294,359.04	151,937.77	153,205.63	77,014.32	1,386,148.09
<b>Output 5:</b> Effective Project Management	349,144.54	469,466.04	496,893.00	514,319.95	531,408.77	342,726.04	2,703,958.35
<b>Total All Outputs</b>							<b>12,538,617.65</b>
<b>GMS 7%</b>							<b>877,703.24</b>
<b>Total Budget</b>							<b>13,416,320</b>

Year 2014

EXPECTED OUTPUTS	Planned Activities	TIMEFRAME				RESPONSIBLE PARTY	Fund Code	PLANNED BUDGET	
		Q1	Q2	Q3	Q4			Budget Description	Amount (USD)
<b>Output 1:</b> Enhanced mechanisms for the internal and external oversight of the judiciary <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2014:</b>	<b>Activity Result 1.1 :</b> Recommendations of the working Committee of the Supreme Court and the Judicial Commission implemented			X	X	SC, JC		travel, meeting	20,283.03
	<b>Activity Result 1.6 :</b> Personnel			X	X	UNDP		Personnel	77,181.01
	<b>Subtotal Output 1</b>								<b>97,464.04</b>

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>Output 2:</b> Enhanced knowledge and skills of judges & court staff and strengthened capacity of the Supreme Court Training Centre <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2014 :</b>	<b>Activity Result 2.1 :</b> Strategy developed to strengthen the capacity of the Supreme Court's Training Centre in management and development of monitoring and evaluation tools			X	X	SC, UNDP	travel, meeting	36,309.55
	<b>Activity Result 2.2 :</b> Strengthen capacity of SC's Training Centre to develop and implement certification training program			X	X	SC, UNDP	travel, meeting	105,377.81
	<b>Activity Result 2.7 :</b> Personnel			X	X	UNDP	Personnel	127,898.76
	<b>Subtotal Output 2</b>							<b>269,586.11</b>
<b>Output 3 :</b> Enhanced Human Resource and Organization Management via integrated Human Resources performance management databases and an effective implementation of advanced Human Resources policies and a strengthened Judicial Reform Team Office <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2014 :</b>	<b>Activity Result 3.3:</b> Technical expert advice and support are provided to the Supreme Court on the implementation of its blueprints for reform 2010-2035			X	X	SC, UNDP	travel, meeting	66,558.26
	<b>Activity Result 3.4 :</b> Personnel			X	X	UNDP	Personnel	66,059.90
	<b>Subtotal Output 3</b>							<b>132,618.16</b>

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>Output 4 : Enhanced Case Management</b> System and procedures of the judiciary to improve transparency, quality of case data and decisions and timeliness of case handling <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2014 :</b>	<b>Activity Result 4.1 : Electronic case-tracking system (from lower courts, to appeal courts, to Supreme Court) strengthened and regional technical support centres established</b>				X	X	SC, UNDP	travel, meeting	238,511.45
	<b>Activity Result 4.4 : Personnel</b>				X	X	UNDP	Personnel	66,059.90
	<b>Subtotal Output 4</b>								<b>304,571.35</b>
	Personnel				X	X	UNDP	Personnel	175,576.33
	Travel				X	X	UNDP	travel, meeting	5,000.00
	Office				X	X	UNDP	Personnel, Supplies, Equipment, Maintenance	88,348.77
	Security (MOSS Compliance)				X		UNDP	MOSS Compliance	21,400.00
	Baseline survey and assessment				X	X	SC, UNDP	Personnel, travel, meeting	36,250.00
	Communications/visibility				X	X	SC, UNDP	Personnel, travel, meeting	5,789.08
	<b>Subtotal Project Management</b>								<b>332,364.18</b>
	<b>TOTAL All Outputs</b>								<b>1,136,603.84</b>
	<b>GMS 7 %</b>								

# EU-UNDP Support to Justice Sector Reform in Indonesia

		79,562.27
<b>TOTAL BUDGET</b>		<b>1,216,166.11</b>

Year 2015

EXPECTED OUTPUTS	Planned Activities	TIMEFRAME				RESPONSIBLE PARTY	Fund Code	PLANNED BUDGET	
		Q1	Q2	Q3	Q4			Budget Description	Amount (USD)
<b>Output 1:</b> Enhanced mechanisms for the internal and external oversight of the judiciary <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2015:</b>	<b>Activity Result 1.1 :</b> Recommendations of the working Committee of the Supreme Court and the Judicial Commission implemented	X	X	X	X	SC, JC		travel, meeting	116,040.79
	<b>Activity Result 1.2 :</b> Guidelines to assist in the restructuring of internal oversight functions (internal oversight) is developed; and survey instrument jointly with the Civil Society Organizations (CSOs) is	X	X			SC, UNDP, CSO		travel, meeting	156,176.96

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>Output 2:</b> Enhanced knowledge and skills of judges & court staff and strengthened capacity of the Supreme Court Training Centre <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2015 :</b>	reviewed, refined and conducted																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
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# EU-UNDP Support to Justice Sector Reform in Indonesia

	<b>Activity Result 2.4</b> : Knowledge of Tax Court staff on substantive and procedural law, including integrity (code of ethics and conduct) enhanced	X	X		X	SC, TC, UNDP	travel, meeting	85,866.62
	<b>Activity Result 2.5</b> : Knowledge of Administrative Court Judges by develop and implement Continuing Judicial Education Programme	X	X	X	X	SC, UNDP	travel, meeting	111,115.21
	<b>Activity Result 2.6</b> : Knowledge of senior judges and staff enhanced through leadership training programme			X	X	SC, UNDP	travel, meeting	37,115.21
	<b>Activity Result 2.7</b> : Personnel	X	X	X	X	UNDP	Personnel	268,587.39
	<b>Subtotal Output 2</b>							<b>1,336,911.27</b>
	<b>Output 3</b> : Enhanced Human Resource and Organization Management via integrated Human Resources performance management databases and an effective implementation of advanced Human Resources policies and a strengthened Judicial Reform Team Office <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2015 :</b>	<b>Activity Result 3.1</b> : Competency-based human resource management guideling for recruitment and placement of human resources	X	X			SC,UNDP	travel, meeting
<b>Activity Result 3.2</b> : Integrated human resource database developed which provides mechanism for performance measurement of judges and court staff, including through linkages to training and supervisory the judges and court staffs is developed				X	X	SC,UNDP	travel, meeting	82,610.02

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<b>Output 4 : Enhanced Case Management System and procedures of the judiciary to improve transparency, quality of case data and decisions and timeliness of case handling</b> <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2015 :</b>	<b>Activity Result 3.3 : Technical expert advice and support are provided to the Supreme Court on the implementation of its blueprints for reform 2010-2035</b>	X	X	X	X	SC, UNDP	travel, meeting	270,139.27
	<b>Activity Result 3.4 : Personnel</b>	X	X	X	X	UNDP	Personnel	202,208.34
	<b>Subtotal Output 3</b>							<b>826,046.58</b>
	<b>Activity Result 4.1 : Electronic case-tracking system (from lower courts, to appeal courts, to Supreme Court) strengthened and regional technical support centres established</b>	X	X			SC, UNDP	travel, meeting	38,114.59
	<b>Activity Result 4.2 : Pilot system which prioritizes alternative sanctions for children (restorative justice) and petty crimes, focusing on rehabilitation and reintegration programmes for vulnerable groups</b>		X	X	X	SC, Kemenkumham, UNDP	travel, meeting	209,714.69
	<b>Activity Result 4.3 : Regulatory framework for the existing case management system in the Tax Court enhanced and tax case repository (database of tax decisions) made accessible to the public</b>		X	X	X	TC, SC, UNDP	travel, meeting	18,504.91
	<b>Activity Result 4.4 : Personnel</b>	X	X	X	X	UNDP	Personnel	138,725.79
	<b>Subtotal Output 4</b>							<b>405,059.99</b>

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>Output 5 : Effective Project Management</b>	Personnel	X	X	X	X	UNDP	Personnel	368,710.30
	Workshop	X	X	X	X	UNDP	Personnel, travel, meeting	23,302.33
	Security (MOSS Compliance)	X	X	X	X	UNDP	MOSS Compliance	13,440.00
	Office	X	X	X	X	UNDP	Personnel, Supplies, Equipment, Maintenance	47,982.41
	Communications/visibility	X	X	X	X	SC, UNDP	Personnel, travel, meeting	12,157.07
	<b>Subtotal Project Management</b>							<b>465,592.10</b>
	<b>TOTAL All Outputs</b>							<b>3,634,588.04</b>
	<b>GMS 7 %</b>							<b>254,421.16</b>
	<b>TOTAL BUDGET</b>							<b>3,889,009.20</b>

## EU-UNDP Support to Justice Sector Reform in Indonesia

Year 2016

EXPECTED OUTPUTS	Planned Activities	TIMEFRAME				RESPONSIBLE PARTY	Fund Code	PLANNED BUDGET	
		Q1	Q2	Q3	Q4			Budget Description	Amount (USD)
<b>Output 1:</b> Enhanced mechanisms for the internal and external oversight of the judiciary <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2016 :</b>	<b>Activity Result 1.1 :</b> Recommendations of the working Committee of the Supreme Court and the Judicial Commission implemented	X	X	X	X	SC, JC		travel, meeting	34,464.49
	<b>Activity Result 1.2 :</b> Guidelines to assist in the restructuring of internal oversight functions (internal oversight) is developed; and survey instrument jointly with the Civil Society Organizations (CSOs) is reviewed, refined and conducted	X	X	X	X	SC, UNDP, CSO		travel, meeting	86,445.73
	<b>Activity Result 1.3 :</b> Current system for monitoring and handling	X				SC, JC, UNDP		travel, meeting	82,237.80

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# EU-UNDP Support to Justice Sector Reform in Indonesia

<b>Output 3 : Enhanced Human Resource and Organization Management via integrated Human Resources performance management databases and an effective implementation of advanced Human Resources policies and a strengthened Judicial Reform Team Office</b> <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2016 :</b>	<b>Activity Result 2.5 :</b> Knowledge of Administrative Court Judges by develop and implement Continuing Judicial Education Programme			X	X	SC, UNDP	travel, meeting	155,400.00
	<b>Activity Result 2.6 :</b> Knowledge of senior judges and staff enhanced through leadership training programme			X	X	SC, UNDP	travel, meeting	246,140.80
	<b>Activity Result 2.7 :</b> Personnel	X	X	X	X	UNDP	Personnel	281,377.26
	<b>Subtotal Output 2</b>							<b>1,288,776.54</b>
	<b>Activity Result 3.2 :</b> Integrated human resource database developed which provides mechanism for performance measurement of judges and court staff, including through linkages to training and supervisory the judges and court staffs is developed				X	SC, UNDP	travel, meeting	17,100.00
	<b>Activity Result 3.3 :</b> Technical expert advice and support are provided to the Supreme Court on the implementation of its blueprints for reform 2010-2035	X	X	X	X	SC, UNDP	travel, meeting	192,579.40
	<b>Activity Result 3.4 :</b> Personnel	X	X	X	X	UNDP	Personnel	145,331.78
								<b>355,011.18</b>

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<b>Output 4 : Enhanced Case Management System and procedures of the judiciary to improve transparency, quality of case data and decisions and timeliness of case handling</b> <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2016 :</b>	<b>Activity Result 4.2 : Pilot system which prioritizes alternative sanctions for children (restorative justice) and petty crimes, focusing on rehabilitation and reintegration programmes for vulnerable groups</b>			X	X	SC, Kemenkumham, UNDP	travel, meeting	43,065.92
	<b>Activity Result 4.3 : Regulatory framework for the existing case management system in the Tax Court enhanced and tax case repository (database of tax decisions) made accessible to the public</b>	X	X	X	X	SC, TC, UNDP	travel, meeting	105,961.34
	<b>Activity Result 4.4 : Personnel</b>	X	X	X	X	UNDP	Personnel	145,331.78
	<b>Subtotal Output 4</b>							<b>294,359.04</b>
	<b>Output 5 : Effective Project Management</b>							
	Personnel	X	X	X	X	UNDP	Personnel	386,267.93
	Travel	X	X	X	X	UNDP	Personnel, travel, meeting	5,000.00
	Workshop	X	X	X	X	UNDP	Personnel, travel, meeting	24,467.44
	Security (MOSS Compliance)	X	X	X	X	UNDP	MOSS Compliance	14,080.00
	Office	X	X	X	X	UNDP	Personnel, Supplies, Equipment, Maintenance	50,267.29
	Communications/visibility	X	X	X	X	SC, UNDP	Personnel, travel, meeting	12,735.98
	<b>Subtotal Project Management</b>							<b>492,818.64</b>



# EU-UNDP Support to Justice Sector Reform in Indonesia

<b>TOTAL All Outputs</b>	<b>2,816,371.26</b>
<b>GMS 7 %</b>	<b>197,145.99</b>
<b>TOTAL BUDGET</b>	<b>3,013,517.25</b>

Year 2017

EXPECTED OUTPUTS	Planned Activities	TIMEFRAME				RESPONSIBLE PARTY	Fund Code	PLANNED BUDGET	
		Q1	Q2	Q3	Q4			Budget Description	Amount (USD)
<b>Output 1:</b> Enhanced mechanisms for the internal and external oversight of the judiciary <b>Indicators:</b>	<b>Activity Result 1.1 :</b> Recommendations of the working Committee of the Supreme Court and the Judicial Commission implemented	X	X	X	X	SC, JC		travel, meeting	105,353.19

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>Baselines:</b> <b>Targets 2017 :</b>	<b>Activity Result 1.2 :</b> Guidelines to assist in the restructuring of internal oversight functions (internal oversight) is developed; and survey instrument jointly with the Civil Society Organizations (CSOs) is reviewed, refined and conducted	X	X	X	X	SC, UNDP, CSO	travel, meeting	90,534.39
	<b>Activity Result 1.4 :</b> A system for compliance check of wealth reports of judges and court staff by Supreme Court in view of cooperation with the Corruption Eradication Commission is developed	X	X			SC, CEC	travel, meeting	3,914.94
	<b>Activity Result 1.5 :</b> The tax court model assessment, including the study on the Tax Administration System is developed	X	X	X	X	SC, TC, UNDP	travel, meeting	44,240.16
	<b>Activity Result 1.6 :</b> Personnel	X	X	X	X	UNDP	Personnel	177,516.32
	<b>Subtotal Output 1</b>							421,558.99
<b>Output 2:</b> Enhanced knowledge and skills of judges & court staff and strengthened capacity of the Supreme Court Training Centre <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2017 :</b>	<b>Activity Result 2.2 :</b> Strengthen capacity of SC's Training Centre to develop and implement certification training program	X	X	X	X	SC, UNDP	travel, meeting	327,204.68
	<b>Activity Result 2.3 :</b> Capacity of SC Training Centre to undertake curriculum development based on the results of a training needs assessment, and to deliver training programmes for candidate registrars and bailiffs, is enhanced	X	X	X	X	SC, UNDP	travel, meeting	265,023.26
	<b>Activity Result 2.5 :</b> Knowledge of Administrative Court Judges by develop and implement Continuing Judicial Education Programme			X	X	SC, UNDP	travel, meeting	81,400.00
	<b>Activity Result 2.6 :</b> Knowledge of			X	X	SC, UNDP	travel, meeting	

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# EU-UNDP Support to Justice Sector Reform in Indonesia

Security (MOSS Compliance)	X	X	X	X	X	UNDP	MOSS Compliance	14,720.00
Workshop	X	X	X	X	X	UNDP	Personnel, travel, meeting	25,632.56
Office	X	X	X	X	X	UNDP	Personnel, Supplies, Equipment, Maintenance	52,552.17
Communications/visibility	X	X	X	X	X	SC, UNDP	Personnel, travel, meeting	13,314.88
<b>Subtotal Project Management</b>								<b>510,045.17</b>
<b>TOTAL All Outputs</b>								<b>2,541,850.86</b>
<b>GMS 7 %</b>								<b>177,929.56</b>
<b>TOTAL BUDGET</b>								<b>2,719,780.42</b>

Year 2018

EXPECTED OUTPUTS	Planned Activities	TIMEFRAME				RESPONSIBLE PARTY	Fund Code	PLANNED BUDGET	
		Q1	Q2	Q3	Q4			Budget Description	Amount (USD)
<b>Output 1:</b> Enhanced mechanisms for the internal and external oversight of the judiciary <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2018 :</b>	<b>Activity Result 1.1 :</b> Recommendations of the working Committee of the Supreme Court and the Judicial Commission implemented	X	X	X	X	SC, JC		travel, meeting	37,632.50

## EU-UNDP Support to Justice Sector Reform in Indonesia

	<b>Activity Result 1.2</b> : Guidelines to assist in the restructuring of internal oversight functions (internal oversight) is developed; and survey instrument jointly with the Civil Society Organizations (CSOs) is reviewed, refined and conducted	X	X			SC, UNDP, CSO	travel, meeting	14,013.52	
	<b>Activity Result 1.4</b> : A system for compliance check of wealth reports of judges and court staff by Supreme Court in view of cooperation with the Corruption Eradication Commission is developed	X	X			SC, CEC	travel, meeting	4,101.37	
	<b>Activity Result 1.6</b> : Personnel	X	X	X	X	UNDP	Personnel	166,550.96	
	<b>Subtotal Output 1</b>								<b>222,298.35</b>
	<b>Output 2:</b> Enhanced knowledge and skills of judges & court staff and strengthened capacity of the Supreme Court	<b>Activity Result 2.2</b> : Strengthen capacity of SC's Training Centre to develop and implement certification training program	X	X			SC, UNDP	travel, meeting	158,691.40

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>Training Centre</b> <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2018 :</b>	<b>Activity Result 2.3 : Capacity of SC Training Centre to undertake curriculum development based on the results of a training needs assessment, and to deliver training programmes for candidate registrars and bailiffs, is enhanced</b>					X	X			SC, UNDP	travel, meeting	138,534.88
	<b>Activity Result 2.7 : Personnel</b>					X	X	X	X	UNDP	Personnel	253,509.79
	<b>Subtotal Output 2</b>											550,736.07
	<b>Output 3 : Enhanced Human Resource and Organization Management via integrated Human Resources performance management databases and an effective implementation of advanced Human</b>					X	X	X	X	SC, UNDP	travel, meeting	79,869.92
					<b>Activity Result 3.3 : Technical expert advice and support are provided to the Supreme Court on the implementation of its blueprints for reform 2010-2035</b>							



## EU-UNDP Support to Justice Sector Reform in Indonesia

Resources policies and a strengthened Judicial Reform Team Office <u>Indicators:</u> <u>Baselines:</u> <u>Targets 2018:</u>	Activity Result 3.4 : Personnel	X	X	X	X	UNDP	Personnel	153,205.63
	<b>Subtotal Output 3</b>							<b>233,075.54</b>
<b>Output 4 : Enhanced Case Management System and procedures of the judiciary to improve transparency, quality of case data and decisions and timeliness of case handling</b> <u>Indicators:</u> <u>Baselines:</u> <u>Targets 2018:</u>	Activity Result 4.4 : Personnel	X	X	X	X	UNDP	Personnel	153,205.63
	<b>Subtotal Output 4</b>							<b>153,205.63</b>
<b>Output 5 : Effective Project Management</b>	Personnel	X	X	X	X	UNDP	Personnel	416,045.06
	Security (MOSS Compliance)	X	X	X	X	UNDP	MOSS Compliance	15,360.00
	Workshop	X	X	X	X	UNDP	Personnel, travel, meeting	26,797.67
	Office	X	X	X	X	UNDP	Personnel, Supplies, Equipment, Maintenance	54,837.04
	Communications/visibility	X	X	X	X	SC, UNDP	Personnel, travel, meeting	13,893.79
	<b>Subtotal Project Management</b>							

# EU-UNDP Support to Justice Sector Reform in Indonesia

		526,933.57
	TOTAL All Outputs	1,686,249.17
	GMS 7 %	118,037.44
	TOTAL BUDGET	1,804,286.61

Year 2019

EXPECTED OUTPUTS	Planned Activities	TIMEFRAME				RESPONSIBLE PARTY	Fund Code	PLANNED BUDGET	
		Q1	Q2	Q3	Q4			Budget Description	Amount (USD)

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>Output 1:</b> Enhanced mechanisms for the internal and external oversight of the judiciary <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2019 :</b>	<b>Activity Result 1.1 :</b> Recommendations of the working Committee of the Supreme Court and the Judicial Commission implemented	X	X		UNDP	travel, meeting	11,507.59
	<b>Activity Result 1.6 :</b> Personnel	X	X		UNDP	Personnel	77,014.32
	<b>Subtotal Output 1</b>						88,521.91
	<b>Output 2:</b> Enhanced knowledge and skills of judges & court staff and strengthened capacity of the Supreme Court Training Centre <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2019 :</b>	X	X		UNDP	Personnel	104,199.25
	<b>Subtotal Output 2</b>						104,199.25

## EU-UNDP Support to Justice Sector Reform in Indonesia

<b>Output 3 :</b> Enhanced Human Resource and Organization Management via integrated Human Resources performance management databases and an effective implementation of advanced Human Resources policies and a strengthened Judicial Reform Team Office <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2019 :</b>	Activity Result 3.4 : Personnel		X	X	UNDP	Personnel	77,014.32
	Subtotal Output 3						77,014.32
	Activity Result 4.4 : Personnel		X	X	UNDP	Personnel	77,014.32
<b>Output 4 :</b> Enhanced Case Management System and procedures of the judiciary to improve transparency, quality of case data and decisions and timeliness of case handling <b>Indicators:</b> <b>Baselines:</b> <b>Targets 2019 :</b>	Subtotal Output 4						77,014.32
	Personnel		X	X	UNDP	Personnel	213,909.86
	Sustainability strategy development		X	X	UNDP	Personnel, travel, meeting	31,797.85
<b>Output 5 :</b> Effective Project Management	Security (MOSS Compliance)		X	X	UNDP	MOSS Compliance	8,000.00

# EU-UNDP Support to Justice Sector Reform in Indonesia

Office	X	X			UNDP	Personnel, Supplies, Equipment, Maintenance	28,560.96
Final External Evaluation		X			SC, UNDP	Personnel, travel, meeting	86,699.66
Communications/visibility	X	X			SC, UNDP	Personnel, travel, meeting	7,236.35
Subtotal Project Management							376,204.68
TOTAL All Outputs							722,954.49
GMS 7 %							50,606.81
TOTAL BUDGET							773,561.30

## 5. Management Arrangements

### 5.1. Implementation Arrangement

The project will be implemented under the framework of the UNDP Country Programme Action Plan (CPAP) 2011 – 2015 applying National Implementation (NIM) modality, where the Supreme Court will act as the Implementing Partner. In addition to support otherwise detailed in this Project Document, UNDP is appointed as the Responsible Party to deliver services required for the implementation of the Supreme Court's reform agenda. As the responsible party, UNDP will be accountable for performing the specific services outlined in the COSS agreement with the Implementing Partner. UNDP will not only be requested to purchase goods and services but also ensure their use in carrying out activities and producing outputs and results. In other words, UNDP services will include substantive as well as administrative responsibilities as agreed with the Implementing Partner.

UNDP will provide technical guidance, administrative and managerial support and oversight to the project. UNDP shall ensure that the Project is carried out in accordance with the Contribution Agreement with the EU and is responsible for achieving the objectives set out therein. UNDP shall report to the EU on the indicators of achievement specified in the Contribution Agreement. A National Project Director will be appointed by the Supreme Court to oversee and provide appropriate guidance to the UNDP-Project Management Unit, which will manage day to day activities of the project. However, the Supreme Court will retain the overall ownership of the programme, including authority to provide strategic guidance and to endorse the project work plan of activities, which will be co-signed by the Supreme Court as the Implementing Partner and UNDP.

UNDP has consulted with the Implementing Partner and agreed to adopt the Direct Agency Implementation or Country Office Support Services<sup>39</sup> (COSS) as the most appropriate cash transfer modality for the project. Therefore, UNDP shall act as the Responsible Party to obtain goods and services required in the implementation of the project.

Under this arrangement UNDP will be responsible for (i) the identification and recruitment of project and programme personnel, (ii) procurement of goods and services, (iii) the administration of donor financial contributions and other services that may be required to deliver the outputs. In providing these services, UNDP will apply its regulations, rules, policies and procedures. The Support Services and conditions attached to them are described in the Country Office Support Service Agreement in Annex D.

With respect to the Government of Indonesia's reporting procedures on grant realization, UNDP shall prepare the Minutes of Handover (Berita Acara Serah

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<sup>39</sup>Country Office Support Services (COSS) modality: UNDP will conduct transactions from requisition to disbursement with no cash being transferred to the implementing partner.



Terima – BAST) of Goods and Services to be signed jointly by UNDP and the Implementing Partner's Authorized Budget Owner (Kuasas Pengguna Anggaran - KPA). This will be submitted by the Implementing Partner to the Directorate General of Debt Management (Direktorat Jenderal Pengelolaan Utang – DJPU) and the State Treasury Service Office (Kantor Pelayanan Pembendaharaan Negara – KPPN) under the Directorate General of Treasury (Direktorat Jenderal Perbendaharaan) of the Ministry of Finance.

As per Annex C (Supplemental Provisions to the Project Document), Article 8: UNDP shall transfer ownership of all assets, equipment and technologies to the Supreme Court and/or other designated national entities. The Supreme Court shall have the right to use and modify all such assets, equipment and technologies, and make them available for use to third parties within or outside the country. All such use shall acknowledge the support and contribution of UNDP as appropriate.

## 5.2. Project Office

The location of the main project office is Supreme Court premises.

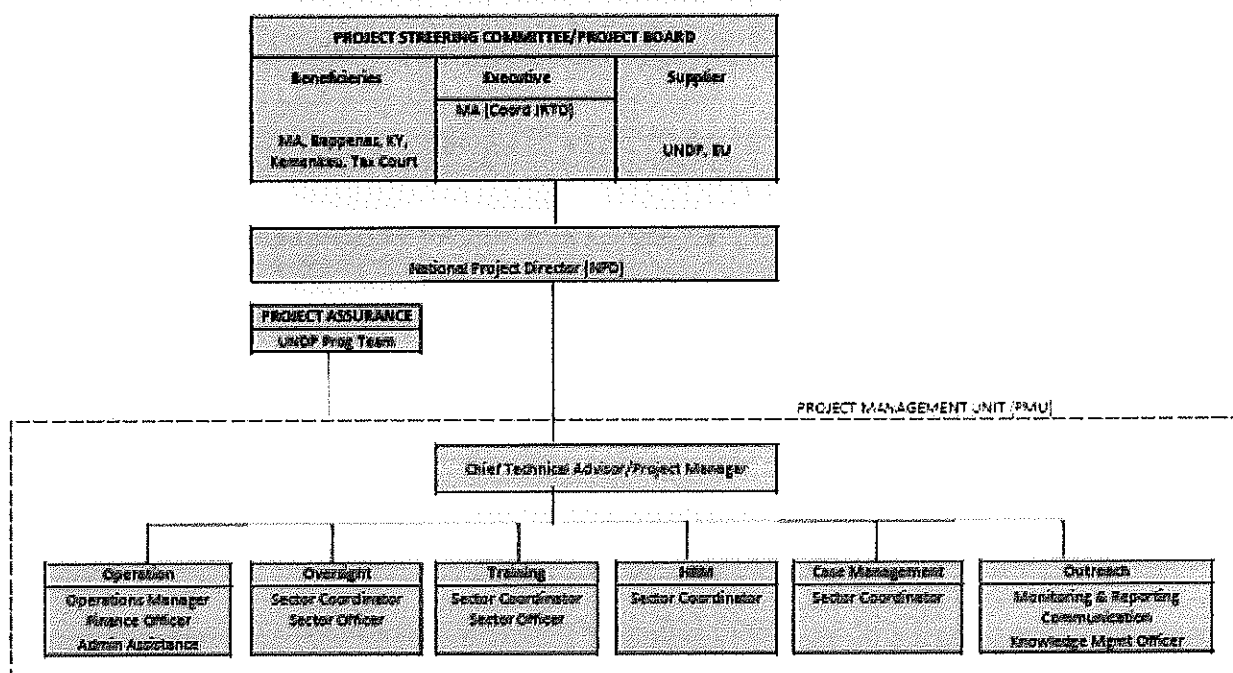
## 5.3. Project Locations

Decisions will be made later concerning the selection of sub-national locations, provinces and possible districts, in which the project is to be implemented.

## 5.4. Project Management

In order to ensure effective and accountable management and implementation of the project, the following project organization structure will be used (see figure below). Detailed terms of reference for key personnel may be found in Annex C.

### Organization Chart



## 5.5. Method of implementation

### Project Steering Committee (Project Board)

UNDP in consultation with the European Commission and in co-ordination with Bappenas and the Supreme Court will set up a Project Steering Committee. The Project Steering Committee should meet regularly, at least every six months, and extraordinarily whenever circumstances require. It will have the following roles and responsibilities:

- i. Ensure that adequate mechanisms are in place to guarantee the transparency and accountability as well as the efficiency of project operations.
- ii. Build consensus around the project's strategies and planned results, including the links between its outputs and the intended outcomes;
- iii. Provide advice when substantive changes are needed in the project's planned outputs, strategies or implementation arrangements;
- iv. Oversee progress, participate in field visits to project sites, consult with beneficiaries, and ensure that potential opportunities and risks, including lessons learned from experience, are taken into account by the project management;
- v. Assess performance and approve project annual work-plans and budget revisions;
- vi. Provide guidance to the project manager.

The Project Steering Committee will be chaired by the Supreme Court. Membership shall include representatives of BAPPENAS, Tax Court, the Judicial Commission, Minister of Finance, UNDP and the EU Delegation. The Committee may decide, in its absolute discretion, to vary this membership through the addition of representatives from other government ministries/agencies. Other stakeholders, including civil society organizations, may be invited as observers with the right to speak. Decisions will be taken by consensus.

### National Project Director

The Implementing Partner, the Supreme Court, shall appoint a National Project Director (NPD) who represents the Implementing Partner and serves as the Government focal point during the project implementation period. The NPD is responsible and accountable for project implementation and ensures that a project management unit in charge of day-to-day management is operational. He/she approves annual work plans after review by the Project Board and provides strategic guidance to the project manager within the context of the project document. He/she also represents the project in the Project Board. The NPD signs the Combined Delivery Report (CDR) of project expenditures on behalf of the Implementing Partner. In addition to the CDR, the NPD certifies the project asset inventory list, the project cash position, and eventual audit-follow up actions.

### Chief Technical Advisor (CTA)/Project Manager

UNDP will recruit an international Chief Technical Advisor (CTA)/Project Manager who will lead the team in implementing the support. CTA/Project Manager will supervise the team of technical advisors and will be responsible for all substantive aspects of the project. CTA/Project Manager will also be responsible for the administrative aspect of the project. To ensure the smooth administration of the Project, the CTA/Project Manager may be assisted, if necessary, by a Deputy Project Manager. S/he will also have a core staff of project management personnel.

The Project Manager will be responsible, *inter alia*, for preparing and revising work-plans; planning and organising project review meetings; providing technical feedback to the Project Steering Committee; ensuring that project activities are carried out within the financial limitations of the budget; supervising the technical and administrative support personnel and coordinating project activities with stakeholders.

CTA/Project Manager will report to the NPD.

### Project Management Unit

UNDP will establish a dedicated Project Management Unit (PMU) to manage the project on a day-to-day basis. The Unit will consist of technical experts and administrative personnel. Under the overall direction of the National Project Director and day-to-day guidance of CTA/Project Coordinator, they will be responsible for the daily operation of the project. CTA/Project Coordinator and PMU are accountable to UNDP for sound administration and financial management of the project as well as effective delivery of project activities. To ensure accountability, annual and bi-annual work plans and reports with the required supporting documents will be submitted to the Project Steering Committee/ Board and UNDP in a timely manner. The PMU will be supported by the capacity building and assurance arm of the UNDP Democratic Governance and Poverty Reduction Unit.

### Project Assurance

The project assurance role will be performed by UNDP on behalf of the project steering committee, and will include following up on management actions, keeping track of progress benchmarks, visiting project sites to contact beneficiaries and contractors, interpreting progress and technical reports, processing budget revisions, and making arrangements for evaluation and audit. The project shall be subject to the internal and external auditing procedures laid down in the Financial Regulations, Rules and directives of UNDP.

## **5.6. Procurement and grant award procedures**

All contracts to implement the programme will be awarded and implemented in accordance with the procedures and standard documents laid down and published by UNDP.

## **5.7. Communication and visibility**

As agreed in the EC-UN Joint Action Plan on Visibility, the main objective of visibility activities is the communication of the "positive results of the partnership". In addition to inputs, visibility activities should focus on outputs and the impact of the action's results. Within the inception phase, a communication and visibility plan highlighting the related communication activities shall be discussed and agreed between UNDP and the EU Delegation. Once agreed, UNDP shall report on the implementation of the plan under the regular reporting requirements foreseen in the Contribution Agreement

In order to ensure visibility, UNDP will display the EU logo on all publications including reports, newsletters and any type of outreach material. The EU will be identified as the source of funding in any contact made with the beneficiaries and the public. Nonetheless, confidentiality of some of the outputs and activity might lead to specific arrangement restricting their circulations and information thereon.

In addition to those carried out by the Implementing Partner, specific visibility activities will be implemented through the signature of a specific Visibility Framework Contract, which will be contracted by the EU Delegation to ensure impact and coherence. All visibility activities should be in line with the priority areas set out in the Country Strategy Paper and Joint Visibility Guidelines for EU Visibility Actions. UNDP should programme its visibility activity in coordination with the Visibility Contractor selected by the EU Delegation.

## **6. Monitoring and evaluation**

UNDP Indonesia has defined a results-based monitoring and evaluation system that will provide the basis for the project assessment. The objectives of the monitoring, evaluation, and learning system are to: 1) Ensure that the project is on track and being implemented effectively and efficiently; 2) Identify major constraints in programme delivery and to ensure corrective action is taken early; 3) Provide an effective overall evaluation of programme performance; 4) Identify key lessons learned and success stories from the programme implementation that can guide future programming; and 5) Provide an effective system to meet the monitoring and evaluation requirements of donors, UNDP Indonesia, and the UN system. Specific attention will be given to gender issues, best practices and challenges arising from the project implementation in any cycle of monitoring, evaluation and reporting of the project. Annex 3 provides a template for monitoring and evaluation. The M&E plan will be further developed before the beginning of the project, in accordance with the rules and regulations of UNDP.

### **6.1. Periodic Monitoring and Reporting**

The PMU will be required to prepare six-monthly and annual work plans, budgets and progress reports. The six-monthly progress update will provide a brief summary of the status of activities, and monitor progress against output indicators without including financial statement. The Annual report shall include items included in the six-monthly progress update and issues as agreed between UNDP and EU in the Standard General Conditions.

In addition, an issue log shall be activated in UNDP Enterprise Resource Planning (ERP) system known as Atlas and updated by the Project Manager each six months to facilitate tracking and resolution of potential problems or requests for change. Based on the initial risk analysis, a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation. As part of the lessons learned, cross cutting issues, including progress on gender mainstreaming and partnership building will be monitored semi-annually to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the lessons learned report at the end of the project. Lastly, a Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events

## **6.2. Annual Report**

The PMU will also prepare and submit annual project review reports to the Project Board and UNDP. The annual progress report will provide a more in-depth summary of work-in-progress, measuring performance against both implementation and output/outcome indicators. Any adjustments in project approach will be reported to the Project Board who will evaluate and approve the adjustments recommended as long as such adjustments are still within this project document RRF.

## **6.3. Mid-Term Evaluation**

In the third quarter of the third year of implementation (2016), the EU will conduct a mid-term project evaluation to highlight the successes and identify the challenges and bottlenecks in project implementation. This review must be undertaken in a participatory manner, involving all the project and programme staff, so that practical solutions can be found to address any problems that the project may be experiencing by this point. The findings of the mid-term review shall be reported to the Project Steering Committee, along with proposed recommendations, and the Committee shall endorse those corrective measures or changes to the project design and modality, if necessary, so that the project by the third year Q2 can be revitalized.

The Supreme Court, UNDP, BAPPENAS and the EU shall analyze the conclusions and recommendations of the mid-term evaluation and jointly decide on the follow-up action to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

## **6.4. Final Evaluation and Impact Assessment**

In quarters 2, 3 and 4 of the last year of the project, UNDP will arrange a final evaluation and impact assessment. The scope of work for the evaluation will be developed based on the Results and Resources Framework (RRF). Among other issues, this will include an impact assessment based on field research among intended beneficiaries. The process of the impact assessment may take at least 6 months, from the design of the research tools, recruitment, and final editing of the report. Thus, the PMU will start planning the assessment in good time to ensure effective coverage of beneficiaries before the project closes.

### **6.5. Final Project Report**

In accordance with Article 2 of the General Conditions a final project report will be submitted to the EU within 6 months of the end date of the implementation period of the agreement. .

### **6.6. Financial monitoring**

The project's financial resources will be managed through a series of controls at various levels. All financial transactions are monitored, recorded, analyzed and reported through UNDP's newly introduced ATLAS system. Payments to implementing partners and delivery agents will generally be made directly by UNDP. Payments are made on the basis of payment schedules specified in contracts or partnership agreements with the implementing agent. Payment schedules are linked to achievement of agreed deliverables and outputs.

Implementing partners are closely monitored in the field through UNDP field monitoring teams through quarterly spot checks in alignment with the results of micro-assessments. Field monitors confirm delivery of activities and outputs against agreed schedules, and review financial control mechanisms used by implementing agents. All partners and contractors receiving funds from UNDP are subject to financial monitoring by the UNDP project support team. This includes:

- Monitoring and reviewing financial reports of implementing agents against agreed project budgets to ensure fairness of expenditure;
- Verifying accuracy and completeness of financial information, including review of supporting documents and checks on expenditure details;
- Requesting clarification or additional information as required to verify and justify expenditures;
- Providing advice and technical assistance to implementing partners and contractors on measures necessary to enhance their project financial management in line with UNDP standards and norms;
- Withholding payments and reimbursements to implementing agents that are not in line with approved expenditures and which do not have adequate supporting details and documentation

## **7. Legal Context**

This document together with the CPAP signed by the Government and UNDP which is incorporated by reference constitute together a Project Document.

- (a) The Revised Basic Agreement for Technical Assistance signed 29 October 1954 between the United Nations, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, and the World Health Organization and the Government of the Republic of Indonesia,
- (b) The Standard Agreement on Operational Assistance signed 12 June 1969 between the United Nations, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations



Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Atomic Energy Agency, the Universal Postal Union, the Inter-Governmental Maritime Consultative Organization and the United Nations Industrial Development Organization and the Government of the Republic of Indonesia,

- (c) The Agreement signed 7 October 1960 between the United Nations Special Fund and the Government of the Republic of Indonesia, and
- (d) All CPAP provisions apply to this document.

Additionally, this document together with the CPAP signed by the Government and UNDP which is incorporated by reference constitute together the instrument envisaged in the Supplemental Provisions to the Programme Document, attached hereto as an Annex. References to the Executing Agency in this Annex shall be deemed to be references to the Implementing Partner: the Supreme Court of Indonesia.

Consistent with the above Supplemental Provisions, the responsibility for the safety and security of the implementing partner and its personnel and property, and of UNDP's property in the implementing partner's custody, rests with the implementing partner.

The implementing partner shall:

- (a) Put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
- (b) Assume all risks and liabilities related to the implementing partner's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.

The implementing partner agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via:

<http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>.

This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document. "

## 8. Annex A: M&E Matrix

Expected results	Indicators <sup>40</sup>	M&E Event with data collection methods	Time or schedule and frequency	Responsibilities	Means of verification: data source and type	Resources	Risks
Output 1: Internal and external oversight mechanisms of judiciary enhanced	1. Effective implementation of SC-JC Joint Regulation ( <i>Peraturan Bersama</i> ) and the proper functioning of the Working Committee for the improvement of a more impartial, accessible, independent, accountable and effective judiciary is established between the SC and Judicial Commission	<ul style="list-style-type: none"> <li>Quarterly progress reports</li> <li>Annual review reports</li> <li>Field monitoring visits by PMU</li> <li>Project Board Meeting</li> <li>Final and Lesson Learned Reports</li> </ul>	<ul style="list-style-type: none"> <li>Quarterly progress reporting</li> <li>Six-monthly report</li> <li>Annual project review</li> <li>Quarterly field visits</li> <li>Annual Project Board Meeting</li> </ul>	<ul style="list-style-type: none"> <li>Progress reviews &amp; preparation of reports will be led by the Project Manager and the results will be shared with the Project Board members</li> <li>The PMU will organize the field visits</li> </ul>	<ul style="list-style-type: none"> <li>MoM from Working Committee of the Supreme Court and Judicial Commission, External Court Survey reports, and SC Monitoring Reports;</li> </ul>	USD 2,374,138	<ul style="list-style-type: none"> <li>Weak coordination and cooperation between the Supreme Court and the Judicial Commission and with the Corruption Eradication Commission</li> </ul>
	2. Monitoring System to share info between the internal oversight mechanism of the SC and the external oversight mechanism of the Judicial Commission is in place and implemented				<ul style="list-style-type: none"> <li>Supreme Court Annual Reports; Pilot Court Reports to Supreme Court;</li> </ul>		<ul style="list-style-type: none"> <li>-Lack of political commitment and administrative willingness to implement changes and reform</li> </ul>
	3. Standard operating procedures and policies relating to internal oversight mechanism are in place and implemented				<ul style="list-style-type: none"> <li>Supreme Court Annual Reports; Pilot Court Reports to</li> </ul>		<ul style="list-style-type: none"> <li>- The change of</li> </ul>

<sup>40</sup> Note: Further discussion with each relevant counterparts to establish baseline and indicators will be conducted within the first year of the program

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<p><b>Output 2:</b> Capacity of Supreme Court Training Centre enhanced to undertake its functions</p>	<p>1. Increased capacity of SC Training Centre on curriculum development based on a training needs assessment; delivery of training programmes for candidate registrars and bailiffs,</p>	<p>• Quarterly progress reports • Annual review reports • Field monitoring visits by PMU</p>	<p>• Quarterly progress reporting • Six-monthly report • Annual project review • Quarterly field visits • Annual Project Board</p>	<p>• Progress reviews &amp; preparation of reports will be led by the Project Manager and</p>	<p>- Training effectiveness study report - Improved curriculum - SC website (e-learning materials) - Certificates of</p>	<p>USD 6,568,843</p>	<p>- Lack of sufficient financial, material and human resources' investments from the</p>	<p>leadership in the Supreme Court may put the reform agenda to a stall if not committed to the reform process</p>
<p>4. External survey instrument to analyze the court services, jointly developed with the CSOs is enhanced and implemented</p> <p>5. N° of external surveys conducted by CSOs based on improved instrument aimed at the development of quality improvement policies (Notes: ideally, the number of survey should be statistically correct to represent the sample population with acceptable margin of errors)</p> <p>6. Study report on the present system of tax administration system in Indonesia and a design proposal for an appropriate tax dispute settlement reform strategy (blueprints for reform), including human resources management of the Tax Court</p>					<p>Supreme Court; Wealth Reports; Reports from Supreme Court in response to Wealth Report findings;</p>			

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continuing judicial education, leadership training for senior judges, and certification programmes; evaluation of training by using the Kirkpatrick's four levels of evaluation model; and development of sustainable e-learning model by taking stock on available approach from other institutions	<ul style="list-style-type: none"> <li>• Project Board Meeting</li> <li>• Final and Lesson Learned Reports</li> </ul>	Meeting	<p>the results will be shared with the Project Board members</p> <ul style="list-style-type: none"> <li>• The PMU will organize the field visits</li> </ul>	trainees & signed attendance lists	Government and partner institutions to sustain project's results <ul style="list-style-type: none"> <li>- Weak coordination and cooperation amongst the Supreme Court and the Ministry of Finance in relation to the support given to the Tax Court</li> </ul>
<p><i>Notes: Study visits may need to be conducted in order to increase the knowledge and experience of the staff/trainers on international training institutions.</i></p> <p>2. Increased the quality of training through trainer skills development (training of trainers/ ToT), develop a robust policy support framework and defined career path.</p> <p>3. N° of judges and candidate judges trained in the field of State Administration Court, Tax Court, and General Courts. The number of participants shall reflect gender equality and distribution of benefits.</p> <p>4. Certification programmes developed upon discussion and consultation with the</p>					

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	Supreme Court of Indonesia. (The programmes shall consist of full cycle of certification program, from need assessment, required or relevant trainings, the certification itself, and post-certification monitoring mechanism								
	5. Full integration of new training and education system developed into the standard curriculum proposed by the Supreme Court's Training Centre								
Output 3: Human resource and organizational management of judiciary advanced	1. Improved Human Resources management with clear gender-sensitive, competence and performance-based Human Resources policies and guidelines  2. Performance management system for all judges and staffs is implemented  3. A clear organizational chart, that define reporting lines and mechanisms and mandate of each unit is adopted.  4. Adopted joint single Human Resources database of	• Quarterly progress reports • Annual review reports • Field monitoring visits by PMU • Project Board Meeting • Final and Lesson Learned Reports	• Quarterly progress reporting • Six-monthly report • Annual project review • Quarterly field visits • Annual Project Board Meeting	• Progress reviews & preparation of reports will be led by the Project Manager and the results will be shared with the Project Board members • The PMU will organize the field visits	- Guidelines for competence-based human resource management  - Human resource database  - Blueprint implementation tool and evaluation report	USD 2,643,875		- Lack of political commitment and administrative willingness to implement changes and reform  - Lack of sufficient financial, material and human resources' investments from the	

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	<p>Supreme Court linking training and supervision reports (including performance reports) for all Supreme Court staff → allows for a more efficient and transparent Human Resources management → leads to a more competent justice system</p> <p><i>Notes: Database includes: names, Job descriptions, assignment location and duration, training; and complemented with the performance report for the judges and staffs.</i></p>						Government and partner institutions to sustain project's results
	<p>5. Number of dedicated Human Resources personnel trained to use central database and revised Human Resources policies in recruitment, career system and supervision</p>						
	<p>6. No of technical experts provided to the Judicial Reform Office to support the implementation of its blueprint of reform.</p>						
	<p>7. Developed blueprint's evaluation tools for the Supreme Court.</p>						



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Output 4 Case management system and procedures of the judiciary improved	1. Implementation of enhanced case management procedures and electronic case files system in selected pilot courts to improve court efficiency and reduce backlog (Target: 7 to 8 pilot courts)	2. Legal information is available and accessible at central and local levels for judges and justice seekers	3. Developed regulatory framework for the new case management system. Case management includes: administrative, logistics, procedural, and content	4. Standard operating procedures on how to process cases involving vulnerable groups such as women and children, including rehabilitation and reintegration programmes in order to prevent the recurrence of violence and delinquency, are in place and implemented.	5. Developed regulatory framework for the case management system in tax court.	6. Tax decisions is available and accessible to the public with consideration of	Quarterly progress reports	Quarterly progress reporting	Progress reviews & preparation of reports will be led by the Project Manager and the results will be shared with the Project Board members	SC website	USD 1,829,254	Lack of sufficient financial, material and human resources' investments from the Government and partner institutions to sustain project's results
							<ul style="list-style-type: none"> <li>Quarterly progress reports</li> <li>Annual review reports</li> <li>Field monitoring visits by PMU</li> <li>Project Board Meeting</li> <li>Final and Lesson Learned Reports</li> </ul>	<ul style="list-style-type: none"> <li>Six-monthly report</li> <li>Annual project review</li> <li>Quarterly field visits</li> <li>Annual Project Board Meeting</li> </ul>	<ul style="list-style-type: none"> <li>Progress reviews &amp; preparation of reports will be led by the Project Manager and the results will be shared with the Project Board members</li> <li>The PMU will organize the field visits</li> </ul>	<ul style="list-style-type: none"> <li>SC website</li> <li>SOPs on processing cases involving vulnerable groups</li> <li>SOP of tax court publications to manage confidential and classified information</li> </ul>		<ul style="list-style-type: none"> <li>Weak coordination and cooperation amongst the Supreme Court and the Ministry of Finance in relation to the support given to the Tax Court</li> </ul>

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	confidentiality and classified information						
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## 9. Annex B: Risk Analysis

### Risk Log

#	Description	Date Identified	Type	Impact & Probability	Countermeasures / Mngt response	Owner
1	Lack of genuine political commitment and administrative willingness to implement changes and reform	July 2014	Political Strategic	Effectiveness of the project P = 3; I = 4	The risk will be mitigated through a regular political dialogue with the government. (Ensure that there are champions for the project)	NPD
2	Lack of sufficient financial, material and human resources' investments from the Government and partner institutions to sustain project's results	July 2014	Financial Operation	Slow achievement of results P = 2; I = 4	This risk will be mitigated through an embedded Technical Assistance Team which will develop a strategy to sustain the outcomes of the programme once ended	NPD
3	Weak coordination and cooperation amongst the Supreme Court and the Ministry of Finance in relation to the support given to the Tax Court	July 2014	Organizational Political Strategic	Slow achievement of results P = 3; I = 4	This risk will be mitigated through high-level and technical meetings such as Steering Committees and Technical Working Groups	NPD
4	Weak coordination and cooperation between the Supreme Court and the Judicial Commission	July 2014	Organizational Political	Slow achievement of results P = 3; I = 4	This risk will be mitigated through the involvement of Bappenas	NPD
5	The change of leadership in the Supreme Court may put the reform agenda to a stall if not committed to the reform process	July 2014	Strategic	Slow achievement of results P = 3; I = 5	Unfortunately, on this matter, little influence that can be exercised from the outside, as the appointment of the next chief of justice is purely an internal affair	Project board
6.	Sudden leave of	July 2014	Operational	If not managed	Project manager	Project

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	project staff/and or underperformance of project staff		Organizational	well, it can negatively affect the delivery rate and quality of the project implementation. It can also create disproportionate burdens and stress on the remaining and high performing staff as they try to offset the absence and underperformance of the other. P-2 , I-3	must hold regular meetings, whereby each project staff is thoroughly informed of each other's activities, so that they can ably fill in the place of the departing staff during the recruitment process.  In case of underperformance of a staff member, the project manager shall first provide warnings and extra guidance to improve his or her performance. If no improvement occurs, the project manager shall first report the problem to the NPD, UNDP programme manager, for further warnings, guidance. If no change occurs, staff is openly informed about no extension, unless changes are demonstrated.	manager
7	Difficulties and or delays in project staff recruitment, as a result of limited availability of highly qualified personnel as well as administrative delays in UNDP	July 2014	Operational	Commencement of the project and delivery rate will be greatly compromised and partners may be dissatisfied with the slow progress in the first reporting periods. P=2 I=3	UNDP will immediately commence the recruitment process in parallel to finalization of donor agreements	Project Manager
8	The candidate of the NPD and its directorate as no experience working with UNDP	July 2014	Organizational	Accountability and effectiveness of the project P =2 I = 3	The project management unit will ensure that implementing partners operate and lead the project during the project lifecycle.	Project Board

## 10. Financing

The total cost of the project is estimate at EUR 9,700,000 covered in full by a contribution from the EU.

In kind contribution of the Government of Indonesia will cover salaries and appropriate allowances of officials involved in project activities, office space for key project team and working facilities (i.e. electricity and telephone lines/internet connections), such as the provision of meeting rooms for the organisation of workshops.

It is anticipated that the duration of the project will be 60 months (5 year) from the signing of the financing agreement and the contribution agreement.

### 10.1. Budget allocations

A preliminary estimate detailed costs is shown in the table below. This is based on the average exchange rate between Euro and the US dollar at the end of June 2014.

A provisional breakdown of costs in terms of core expenses and each of the four main outputs to be produced is shown in the following table.

#### Summary of budget by Output

	USD	EURO	%
Output 1	1,816,227.25	1,313,132.30	14%
Output 2	4,703,496.40	3,400,627.89	35%
Output 3	1,928,787.57	1,394,513.41	14%
Output 4	1,386,148.09	1,002,185.07	10%
Project Mngt	2,703,958.35	1,954,961.88	20%
GMS	877,703.24	634,579.44	7%
<b>TOTAL</b>	<b>13,416,320</b>	<b>9,700,000.00</b>	<b>100%</b>

## 11. Annex C: Supplemental Provisions to the Project Document

Standard annex to project documents for use in countries which are not parties to the Standard Basic Assistance Agreement (SBAA)

### Standards Text: Supplemental Provisions to the Project Document:

#### The Legal Context

#### General responsibilities of the Government, UNDP and the executing agency

1. All phases and aspects of UNDP assistance to this project shall be governed by and carried out in accordance with the relevant and applicable resolutions and decisions of the competent United Nations organs and in accordance with UNDP's policies and procedures for such projects, and subject to the requirements of the UNDP Monitoring, Evaluation and Reporting System.
2. The Government shall remain responsible for this UNDP-assisted development project and the realization of its objectives as described in this Project Document.
3. Assistance under this Project Document being provided for the benefit of the Government and the people of (the particular country or territory), the Government shall bear all risks of operations in respect of this project.
4. The Government shall provide to the project the national counterpart personnel, training facilities, land, buildings, equipment and other required services and facilities. It shall designate the Government Co-operating Agency named in the cover page of this document (hereinafter referred to as the "Co-operating Agency"), which shall be directly responsible for the implementation of the Government contribution to the project.
5. The UNDP undertakes to complement and supplement the Government participation and will provide through the Executing Agency the required expert services, training, equipment and other services within the funds available to the project.
6. Upon commencement of the project the Executing Agency shall assume primary responsibility for project execution and shall have the status of an independent contractor for this purpose. However, that primary responsibility shall be exercised in consultation with UNDP and in agreement with the Co-operating Agency. Arrangements to this effect shall be stipulated in the Project Document as well as for the transfer of this responsibility to the Government or to an entity designated by the Government during the execution of the project.
7. Part of the Government's participation may take the form of a cash contribution to UNDP. In such cases, the Executing Agency will provide the related services and facilities and will account annually to the UNDP and to the Government for the expenditure incurred.

#### **(a) Participation of the Government**

1. The Government shall provide to the project the services, equipment and facilities in the quantities and at the time specified in the Project Document. Budgetary provision, either in kind or in cash, for the Government's participation so specified shall be set forth in the Project Budgets.
2. The Co-operating Agency shall, as appropriate and in consultation with the Executing Agency, assign a director for the project on a full-time basis. He shall carry out such responsibilities in the project as are assigned to him by the Co-operating Agency.
3. The estimated cost of items included in the Government contribution, as detailed in the Project Budget, shall be based on the best information available at the time of drafting the project proposal. It



is understood that price fluctuations during the period of execution of the project may necessitate an adjustment of said contribution in monetary terms; the latter shall at all times be determined by the value of the services, equipment and facilities required for the proper execution of the project.

4. Within the given number of man-months of personnel services described in the Project Document, minor adjustments of individual assignments of project personnel provided by the Government may be made by the Government in consultation with the Executing Agency, if this is found to be in the best interest of the project. UNDP shall be so informed in all instances where such minor adjustments involve financial implications.

5. The Government shall continue to pay the local salaries and appropriate allowances of national counterpart personnel during the period of their absence from the project while on UNDP fellowships.

6. The Government shall defray any customs duties and other charges related to the clearance of project equipment, its transportation, handling, storage and related expenses within the country. It shall be responsible for its installation and maintenance, insurance, and replacement, if necessary, after delivery to the project site.

7. The Government shall make available to the project - subject to existing security provisions - any published and unpublished reports, maps, records and other data which are considered necessary to the implementation of the project.

8. Patent rights, copyright rights and other similar rights to any discoveries or work resulting from UNDP assistance in respect of this project shall belong to the UNDP. Unless otherwise agreed by the Parties in each case, however, the Government shall have the right to use any such discoveries or work within the country free of royalty and any charge of similar nature.

9. The Government shall assist all project personnel in finding suitable housing accommodation at reasonable rents.

10. The services and facilities specified in the Project Document which are to be provided to the project by the Government by means of a contribution in cash shall be set forth in the Project Budget. Payment of this amount shall be made to the UNDP in accordance with the Schedule of Payments by the Government.

11. Payment of the above-mentioned contribution to the UNDP on or before the dates specified in the Schedule of Payments by the Government is a prerequisite to commencement or continuation of project operations.

### **(b) Participation of the UNDP and the executing agency**

1. The UNDP shall provide to the project through the Executing Agency the services, equipment and facilities described in the Project Document. Budgetary provision for the UNDP contribution as specified shall be set forth in the Project Budget.

2. The Executing Agency shall consult with the Government and UNDP on the candidature of the Project Manager<sup>41</sup> who, under the direction of the Executing Agency, will be responsible in the country for the Executing Agency's participation in the project. The Project Manager shall supervise the experts and other agency personnel assigned to the project, and the on-the-job training of national counterpart personnel. He shall be responsible for the management and efficient utilization of all UNDP-financed inputs, including equipment provided to the project.

3. The Executing Agency, in consultation with the Government and UNDP, shall assign international staff and other personnel to the project as specified in the Project Document, select candidates for fellowships and determine standards for the training of national counterpart personnel.

4. Fellowships shall be administered in accordance with the fellowships regulations of the Executing Agency.

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<sup>41</sup> May also be designated Project Co-ordinator or Chief Technical Adviser, as appropriate.

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5. The Executing Agency may, in agreement with the Government and UNDP, execute part or all of the project by subcontract. The selection of subcontractors shall be made, after consultation with the Government and UNDP, in accordance with the Executing Agency's procedures.
6. All material, equipment and supplies which are purchased from UNDP resources will be used exclusively for the execution of the project, and will remain the property of the UNDP in whose name it will be held by the Executing Agency. Equipment supplied by the UNDP shall be marked with the insignia of the UNDP and of the Executing Agency.
7. Arrangements may be made, if necessary, for a temporary transfer of custody of equipment to local authorities during the life of the project, without prejudice to the final transfer.
8. Prior to completion of UNDP assistance to the project, the Government, the UNDP and the Executing Agency shall consult as to the disposition of all project equipment provided by the UNDP. Title to such equipment shall normally be transferred to the Government, or to an entity nominated by the Government, when it is required for continued operation of the project or for activities following directly therefrom. The UNDP may, however, at its discretion, retain title to part or all of such equipment.
9. At an agreed time after the completion of UNDP assistance to the project, the Government and the UNDP, and if necessary the Executing Agency, shall review the activities continuing from or consequent upon the project with a view to evaluating its results.
10. UNDP may release information relating to any investment oriented project to potential investors, unless and until the Government has requested the UNDP in writing to restrict the release of information relating to such project.

### Rights, Facilities, Privileges and Immunities

1. In accordance with the Agreement concluded by the United Nations (UNDP) and the Government concerning the provision of assistance by UNDP, the personnel of UNDP and other United Nations organizations associated with the project shall be accorded rights, facilities, privileges and immunities specified in said Agreement.
2. The Government shall grant UN volunteers, if such services are requested by the Government, the same rights, facilities, privileges and immunities as are granted to the personnel of UNDP.
3. The Executing Agency's contractors and their personnel (except nationals of the host country employed locally) shall:
  - (a) Be immune from legal process in respect of all acts performed by them in their official capacity in the execution of the project;
  - (b) Be immune from national service obligations;
  - (c) Be immune together with their spouses and relatives dependent on them from immigration restrictions;
  - (d) Be accorded the privileges of bringing into the country reasonable amounts of foreign currency for the purposes of the project or for personal use of such personnel, and of withdrawing any such amounts brought into the country, or in accordance with the relevant foreign exchange regulations, such amounts as may be earned therein by such personnel in the execution of the project;
  - (e) Be accorded together with their spouses and relatives dependent on them the same repatriation facilities in the event of international crisis as diplomatic envoys.
4. All personnel of the Executing Agency's contractors shall enjoy inviolability for all papers and documents relating to the project.
5. The Government shall either exempt from or bear the cost of any taxes, duties, fees or levies which it may impose on any firm or organization which may be retained by the Executing Agency and

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on the personnel of any such firm or organization, except for nationals of the host country employed locally, in respect of:

- (a) The salaries or wages earned by such personnel in the execution of the project;
  - (b) Any equipment, materials and supplies brought into the country for the purposes of the project or which, after having been brought into the country, may be subsequently withdrawn therefrom;
  - (c) Any substantial quantities of equipment, materials and supplies obtained locally for the execution of the project, such as, for example, petrol and spare parts for the operation and maintenance of equipment mentioned under (b), above, with the provision that the types and approximate quantities to be exempted and relevant procedures to be followed shall be agreed upon with the Government and, as appropriate, recorded in the Project Document; and
  - (d) As in the case of concessions currently granted to UNDP and Executing Agency's personnel, any property brought, including one privately owned automobile per employee, by the firm or organization or its personnel for their personal use or consumption or which after having been brought into the country, may subsequently be withdrawn therefrom upon departure of such personnel.
6. The Government shall ensure:
  - (a) prompt clearance of experts and other persons performing services in respect of this project; and
  - (b) the prompt release from customs of:
    - (i) equipment, materials and supplies required in connection with this project; and
    - (ii) property belonging to and intended for the personal use or consumption of  
the personnel of the UNDP, its Executing Agencies, or other persons performing services on their behalf in respect of this project, except for locally recruited personnel.
7. The privileges and immunities referred to in the paragraphs above, to which such firm or organization and its personnel may be entitled, may be waived by the Executing Agency where, in its opinion or in the opinion of the UNDP, the immunity would impede the course of justice and can be waived without prejudice to the successful completion of the project or to the interest of the UNDP or the Executing Agency.
8. The Executing Agency shall provide the Government through the resident representative with the list of personnel to whom the privileges and immunities enumerated above shall apply.
9. Nothing in this Project Document or Annex shall be construed to limit the rights, facilities, privileges or immunities conferred in any other instrument upon any person, natural or juridical, referred to hereunder.

### Suspension or termination of assistance

1. The UNDP may by written notice to the Government and to the Executing Agency concerned suspend its assistance to any project if in the judgement of the UNDP any circumstance arises which interferes with or threatens to interfere with the successful completion of the project or the accomplishment of its purposes. The UNDP may, in the same or a subsequent written notice, indicate the conditions under which it is prepared to resume its assistance to the project. Any such suspension shall continue until such time as such conditions are accepted by the Government and as the UNDP shall give written notice to the Government and the Executing Agency that it is prepared to resume its assistance.
2. If any situation referred to in paragraph 1, above, shall continue for a period of fourteen days after notice thereof and of suspension shall have been given by the UNDP to the Government

and the Executing Agency, then at any time thereafter during the continuance thereof, the UNDP may by written notice to the Government and the Executing Agency terminate the project.

3. The provisions of this paragraph shall be without prejudice to any other rights or remedies the UNDP may have in the circumstances, whether under general principles of law or otherwise.

## **12. Annex D: Country Office Support Service (COSS) Agreement**

### **AGREEMENT BETWEEN UNDP AND THE GOVERNMENT FOR THE PROVISION OF SUPPORT SERVICES**

1. Reference is made to consultations between officials of the Government of Indonesia (the Supreme Court) (hereinafter referred to as "the Government") and officials of UNDP with respect to the provision of support services by the UNDP country office for nationally managed programmes and projects. UNDP and the Government hereby agree that the UNDP country office shall provide such support services at the request of the Government through its institution designated in the relevant programme support document, as described below.

2. The UNDP country office shall provide support services for assistance with reporting requirements and direct payment. In providing such support services, the UNDP country office shall ensure that the capacity of the Government-designated institution is strengthened to enable it to carry out such activities directly. The costs incurred by the UNDP country office in providing such support services shall be recovered from the administrative budget of the office.

3. The UNDP country office shall provide, at the request of the Supreme Court, the following support services for the activities of the programme:

- (a) Identification and/recruitment of project and programme personnel and technical expertise;
- (b) Procurement of goods and services to undertake agreed activities;
- (c) Administration of the donor contribution;
- (d) Management of grant agreements and related disbursements for project-related activities;
- (e) Other services as specified in the Annual Work Plan (AWP).

4. The procurement of goods and services and the recruitment of programme personnel by the UNDP country office shall be in accordance with the UNDP regulations, rules, policies and procedures.

5. The relevant provisions of the Revised Basic Agreement for Technical Assistance signed 29 October 1954 between the United Nations, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, and the World Health Organization and the Government of the Republic of Indonesia, the Standard Agreement on Operational Assistance signed 12 June 1969 between the United Nations, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Atomic Energy Agency, the Universal Postal Union, the Inter-Governmental Maritime Consultative Organization and the United Nations Industrial Development Organization and the Government of the Republic of Indonesia and the Agreement signed 7 October 1960 between the United Nations Special Fund and the Government of the Republic of

provisions on liability and privileges and immunities, shall apply to the provision of such support services. The Government shall retain overall responsibility for the nationally managed programme through its designated institution. The responsibility of the UNDP country office for the provision of the support services described herein shall be limited to the provision of such support services detailed in the annex to the programme support document.

6. Any claim or dispute arising under or in connection with the provision of support services by the UNDP country office in accordance with this letter shall be handled pursuant to the relevant provisions of the above mentioned agreements.

7. The manner and method of cost-recovery by the UNDP Country Office in providing the support services described in paragraph 3 above shall refer to the enhanced UNDP UPL (Universal Price List) effective date 1 March 2014 and its updates for subsequent years of implementation.

8. The UNDP country office shall submit progress reports on the support services provided and shall report on the costs reimbursed in providing such services, as may be required.

9. Any modification of the present arrangements shall be effected by mutual written agreement of the parties hereto.