

# **EVALUATION OF**

**United Nations Development Fund for Women  
(UNIFEM)**

**CIDA-Funded Project (2007-2009)**

**Strengthening Women's Legal Rights in  
Aceh, Indonesia**

**Prepared for**

**UNIFEM Regional Office, Bangkok, Thailand and UNIFEM  
Project Office, Aceh, Indonesia**

**Prepared by**

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**FINAL REPORT**

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**★ Areas visited by the Evaluator: Banda Aceh, Bireun, and Lhokseumawe**

## *Acronyms*

ADAB	Aliansi Demokrasi Anak Bangsa
AJRC	Aceh Justice Resource Centre
ALNAP	Active Learning Network for Accountability and Performance in Humanitarian Action
Baden PP and PA	Badan Pemberdayaan Perempuan dan Perlindungan Anak NAD
Bakornas PBP	Badan Koordinasi Nasional Penanganan Bencana (National Coordination Board on Disaster Mitigation, of Indonesia)
BPN	Badan Pertanahan Nasional
BRA	Badan Reintegrasi Aceh
BRR	Badan Rehabilitasi dan Rekonstruksi (Bureau for Rehabilitation and Reconstruction, Aceh and Nias)
BSUIA	Balai Syura Ureung Inong Aceh
CEDAW	Convention on the Elimination of Discrimination Against Women
CIDA	Canadian International Development Agency
CoP	Community of Practice
CSO	Civil Society Organization
DIM	Daftar Isian Masalah
DPRA	Dewan Perwakilan Rakyat Aceh
ESEARO	UNIFEM's East and Southeast Asia Regional Office in Bangkok
GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
GoI	Government of Indonesia
GTZ	Gesellschaft für Technische Zusammenarbeit
IDLO	International Development Law Organization
IDP	Internally Displaced Persons
IOM	International Organization for Migration
JET	Justice and Education Training
JPuK	Jaringan Perempuan untuk Kebijakan
KIP	Komisi Independen Pemilihan
LBH APIK	Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan Aceh
LFA	Logical Framework Analysis
LINA	Liga Inong Aceh
LKBHUWK	Lembaga Konsultasi Bantuan Hukum untuk Wanita dan Keluarga
LOGA	Law on Governing Aceh
MiSPI	Mitra Sejati Perempuan Indonesia
MoU	Memorandum of Understanding
MPU	Majelis Permusyawaratan Ulama
NAD	Nanggroe Aceh Darussalam (Aceh)
NGO	Non-government Organization
OCHA	UN Office of Coordination for Humanitarian Affairs
Panwaslu	Panitia Pengawas Pemilu
PKH-IAIN Ar-Raniry	Pusat Studi Hak Asasi Manusia IAIN Ar-Raniry
Prolega	Program Legislasi Aceh
PSG Unsyiah	Pusat Studi Gender Universitas Syiah Kuala
PSW-IAIN Ar-Raniry	Pusat Studi Wanita Institut Agama Islam Negeri
PUSHAM	Pusat Studi Hak Asasi Manusia
QPPP	Qanun Pemberdayaan dan Perlindungan Perempuan
RBM	Results-Based Management

RPUK	Relawan Perempuan untuk Kemanusiaan
SGBV	Sexual and Gender Based Violence
TNI	Tentara Nasional Indonesia (Indonesian military)
UNORC	United Nations Office of Recovery Coordination
UNSYIAH	Universitas Syiah Kuala
UNDP	United Nations Development Programme
UNEG	United Nations Evaluation Group
UN MOSS	United Nations Minimum Operating Security Standards
WDC	Women Development Centre
WPN	Women Policy Network
YICM	Yayasan Insan Cita Madani

**Evaluation of the CIDA-Funded Project (2007-2009)**  
**Strengthening Women's Rights in Aceh, Indonesia**  
**Undertaken for the UNIFEM Regional Office in Bangkok**

By Sheila Reed

(The views expressed in this report represent the views of the independent evaluator.)

Final Report, September 2009

***Executive Summary***

The evaluation focuses on a project funded by CIDA, overseen by the East and Southeast Asia Regional Office in Bangkok (ESEARO) and implemented by the UNIFEM Project Office in Aceh, Indonesia from April 2007 to March 2009. The project goal was to improve the lives of women in Aceh by enhancing their role in the political, social and economic institutions of Aceh. Specifically the project aimed to strengthen key institutions and advocates to promote women's legal rights through awareness and application of CEDAW in the context of Aceh's autonomous legal reform. The goal of the evaluation is to assess the results of the project, to analyze its effectiveness, to collect lessons learned and to provide inputs for a second phase.

When the Indian Ocean tsunami struck in December 2004, Nanggroe Aceh Darussalam (NAD) was still a conflict affected region. The majority of the victims of the tsunami were women and women survivors played a major role in the emergency response, yet women are marginalized in the redevelopment process in Aceh. The Law on Governing Aceh (LOGA) was passed in July 2006 reaffirming peace agreements with the GAM (Free Aceh Movement) and national law No. 18/2001 granted special autonomy for Aceh with the right to develop *qanuns* or local by-laws. The reassertion of Syariah law in Aceh may pose discriminatory interpretations of the law. UNIFEM seized the opportunity to ensure that principles of gender equality and non-discrimination are incorporated into the qanun making process. UNIFEM implemented the project through ten local partners. The cost of the project was 1.2 million Canadian dollars.

## **Overall Conclusions**

The evaluation concludes that UNIFEM's CIDA funded project was very relevant to the context and was effective in contributing to improving women's realization of their rights in Aceh. A number of achievements have a high potential for sustainability including the higher levels of awareness of gender issues and the converging principles of Islam/CEDAW on the part of legislators and policy makers, government staff in the province and districts, judges and prosecutors, law enforcement staff and the public. Capacity development for partners will promote their continued advocacy and gender mainstreaming activities.

Fundamentally, the evaluation urges that UNIFEM's support is continued in Aceh to add to impact already seen in the qanun making processes and to further increase the number of advocates and gender/CEDAW aware people who will promote changes in the province, districts and communities. UNIFEM should use its considerable experience and linkages with organizations working toward similar objectives to expand awareness-raising for decision makers using customary law in more districts and pursue a preventive approach by incorporating CEDAW into curriculum in law schools, law enforcement training centers and women's studies programs and work toward creating a provincial masterplan for development of women's rights. UNIFEM should continue to cultivate government and other partners which support women's rights as well as individuals, including males, to champion the causes of gender equality.

## **Evaluation Findings**

### ***Effectiveness***

The project has made substantial progress toward the project goal and significant evidence exists to this effect. Nearly all project output and outcome indicators were achieved or surpassed. Partnerships and capacity of key stakeholders have been strengthened for mainstreaming gender perspectives into qanuns. Knowledge of good practices on gender equality and Islam was increased through training, socialization, distribution of documents, and development of websites and publications. Partners gained influence in the qanun making process and progress was made in engendering targeted qanuns. Examples of progress in women exercising their rights were mentioned by all interviewees such as better understanding by women of their rights, knowledge of where to report incidences of domestic violence, and tougher sentencing by courts of law for acts of violence against women.

**Results based planning.** UNIFEM consulted partners and used national and regional recommendations to design the project; partner self assessments and community-based and communications assessments are suggested to strengthen social impact. Some partners needed more capacity to use results based management (RBM) tools and RBM training is planned. Partners were assisted by project staff to monitor results and regular monitoring reports were prepared. The project would benefit from having a comprehensive M&E plan to further strengthen partners' efforts to collect feedback on the longer term results of their activities.

**Partnership choices and strategies.** UNIFEM selected partners on the basis of their strategic positioning to influence change and it was widely agreed that the choices were appropriate and reflected a broad array of intervention types and target groups. UNIFEM's attention to women GAM ex-combatants through partner LINA, and focus on increasing government capacity through support for the Women's Empowerment and Child Protection Agency (Badan PP and PA) are thought to be particularly important.

**Project strategy and approaches.** UNIFEM made a strategic decision to focus on engendering legal reform targeting women and men's groups, religious institutions, government agencies, civil society organizations, academia and a group of strategically positioned advocates. The UNIFEM-supported gender advisor position to the Bureau of Rehabilitation and Reconstruction of Aceh and Nias (BRR) helped to coordinate better gender sensitivity in post-tsunami reconstruction programs. UNIFEM could help to further strengthen interagency collaboration for development of women's rights.

The project effectively networked among national stakeholders such as government at provincial and district levels, law enforcement agencies, organized civil society, youth, academia, and the media. Numerous advantages and benefits of project approaches were mentioned including working with male networks such as the Ulama, religious leaders and Syariah judges, and using tact and skill in delivering gender equity messages.

Partners such as PKH, YICM, Balai Syura and LBH APIK implemented a variety of capacity development and awareness raising events for society and government and these were largely successful. UNIFEM was able to more than double the pool of trained resource persons on gender issues. The knowledge generation component of the project included a research study published by PUSHAM and three teaching book texts (drafts) on Fiqh, Tafsir and Islam history



from a gender equality perspective, prepared by PSW IAIN. A series of discussion papers covered topics such as women's political participation, violence against women, and adat/customary practices and supported a UN Office of Reconstruction Coordination (ORC) "Community of Practice in the Solution Exchange Aceh and Nias", which will be evaluated in late 2009.

**Project management.** Partners reported confidence in the strong Aceh-based team, its peer to peer consultations, and connections to the global efforts on women's rights. Some delays were experienced in approval of proposals and funds transfer due to need for strengthening partner proposals and reporting. Suggestions for streamlining management include setting realistic timelines to address reporting requirements, providing partners with more details on project approval procedures, and a greater investment in interpretation resources. Some project staff were in need of additional skills training or coaching to help them address project challenges. A two day Partners Coordination Workshop in July of 2008 and an additional one-day workshop in March 2009 were conducted to help partners see the linkages among their activities and how they fit into the international Strengthening Women's Legal Rights project. The workshops also aimed to promote collaboration and build capacity on RBM.

**Strategic use of converging principles.** The strategic project goal was effective to raise awareness of the convergence and compatibility of Islam, CEDAW and customary law and worked well to address misinterpretations and overcome scepticism. Trainees were able to articulate the connections at legislative and organizational level; CEDAW messages needed to be integrated with trauma healing for communities. The converging principles strategy took into consideration the prominent role played by religion in Aceh, pride in Acehnese identity, and the widespread cultural prejudices that exist toward women and girls.

**Unplanned positive results.** There were many positive unexpected results to which the project contributed; some of the outputs exceeded the vision of the planning process. These include requests from UNIFEM and partners for inputs into the qanun-drafting processes, strengthened partnership between the women's machinery and civil society organizations; revitalization of the gender architecture through the strengthening of gender focal points; the initial stages of integrating gender equality principles into pesantren (boarding school) curriculum; expanded partner programmes through support from UNIFEM; development of gender expert team to

mainstream gender into development policies, plans and programmes; and formation of a men's forum on advancing women's rights in Aceh.

### ***Relevance***

**Relevance of design.** The project was particularly relevant given the opportunities presented by the passage of the Law on Governing Aceh, subsequent legal reform and development of the qanuns and the Law on Domestic Violence. The project draws on UNIFEM's experience with CEDAW/Syariah linkages in other countries and builds on the recommendations set forth in the 2005 2<sup>nd</sup> All Achenese Women's Congress particularly Women and Syariah and Women and Peace. UNIFEM's programmatic strategy in Aceh is mainly within the bounds of the formal justice sector but it might consider investing in customary institutions and local mediators where many decisions impacting women's rights are made. A preventive effect of incorporating CEDAW training into curricula for law schools and law enforcement training centers as well as supporting women's studies in universities has been initiated through collaboration with UNSYIAH and IAIN Ar-Raniry and should be further strengthened

**Project flexibility.** Several additions were made to project activities in the course of the project which reflected partner's strengths and which were deemed to have a high potential for success. The partners' workshop in July of 2008 helped to fine tune approaches and strategies to strengthen women's legal rights and encouraged partners to extend the vision of the project as opportunities arose.

**Prioritization of the Qanuns for engendering.** The qanuns selected for focus were chosen due to their high level of relevance. The Women's Empowerment Qanun is a priority since it is the centerpiece of law for women's rights in Aceh. Others were Qanun on Compilation of Jinayah (criminal law) and Qanun on Execution of Elections, which was passed in 2007. Progress has been slow in achieving passage of the targeted qanuns and acceptance of gender sensitive language. PUSHAM's research indicates that a larger number of advocates are needed to make an impact on policy and law makers, including women conservatives. The drafting process for the qanun has to be carefully monitored to strengthen gender sensitive language.

### ***Sustainability***

There is considerable optimism in terms of the ability of individuals and institutions to pursue objectives for integration of gender equality. There are numerous working groups and networks, such as the Women's Policy Network (WPN/JPUK) led by partner MiSPI, to promote cultivation of capacities. A sustained effort is needed for approaching legislators, working effectively in the public hearings, and affecting deep rooted attitudes which work against women's rights. The cessation of UNIFEM support may result in weakening of relationships that have been developed with legislators and policy makers. UNIFEM's work was predominantly targeted at the provincial level, the Badan PP and PA covered province-wide government offices, while outside of Banda Aceh the CEDAW socialization included two districts - the others (20) are in need of similar coverage for training and awareness raising.

Capacity development with partners created greater interest by partner staff on understanding and application of CEDAW, which in turn has attracted other organizations donors to collaborate with them. To promote sustainability, UNIFEM can further build synergy among the partners and women's networks. Champions of the concepts of CEDAW might be cultivated and these may be males, such as judges and prosecutors, continuing strategic engagement with these partners. There is considerable interest by partners and by other organizations such as IDLO in working with UNIFEM.

### ***Summary of Recommendations***

1. Expand project activities to reach more districts and legal service providers, enhancing linkages to other initiatives for legal reform and women's rights
2. Provide longer term contracts for partners to enable sustainable progress.
3. Further strengthen training and guidance on Results Based Management, proposal writing and reporting, and develop an M&E plan.
4. Invest strategically in partner and staff capacity development based on an assessment of needs.
5. Enhance the project strategy through community-based and communications assessments.

# 1 Introduction

## 1.1 Evaluation Purpose

The evaluation focuses on a project funded by CIDA, “Strengthening Women’s Rights in Aceh” which was implemented from April 2007 to March 2009. The goal of the project is to improve the lives of women in Aceh by enhancing their role in the political, social and economic institutions of Aceh. The evaluation has the following purposes:

- To assess and validate the results of the project in terms of achievements/gaps in delivering outputs, contributing to outcomes, reaching target beneficiaries, the factors that affected the results, and the potential for sustainability;
- To analyze the effectiveness of the overall strategy and approaches of the project on strengthening women’s access to legal rights, including the use of converging gender equality principles in CEDAW and Islam as an approach, capacity building, partnerships, and knowledge generation and dissemination;
- To analyze lessons learned on both substantive and project management issues, specifically broader learning for UNIFEM overall approach to support legal reform and access to justice applying the framework of CEDAW in the context of Muslim societies;
- To provide inputs for a second phase of the project.

The users of the evaluation will include UNIFEM staff as well as partners (UN, Government, civil society) who will be convened to share findings with the purpose of stimulating broader collaboration on legal reform and access to justice using the gender equality principles in CEDAW and Islam. It is expected that the results of the evaluation will be used for finalizing the focus and strategy of the second phase of the project. The evaluation analysis will contribute to UNIFEM’s strategic reflection and learning on its work to support legal reform and gender justice applying the gender equality principles in both CEDAW and Islam in Aceh as a catalytic mechanism for the advancement of women’s human rights.

## 1.2 Evaluator and Scope of the Evaluation

The UNIFEM East and Southeast Asia Regional Office in Bangkok commissioned the evaluation and it was planned by Janet Wong, Programme Specialist. The interview schedule was developed by Sri Husnaini Sofjan, Programme Manager, and Inda Avrini in the UNIFEM Project Office in

Aceh and the compilation of data was undertaken by the entire project staff. The evaluator, Sheila Reed, is an independent consultant in evaluation of humanitarian and development activities and capacity development and has experience in working with formal and informal justice systems.

As the project concludes at the end of March 2009, the evaluation summarizes the progress made. It focuses on the work done at the provincial level in Aceh and covers the entire project timeframe 2007-2009, from the initial implementation stage to the completion of project phase. There is a significant formative component which appraises the design of the project for future stages and replicable models. The evaluation will address a number of key questions in two main areas, results and strategy. In particular, the effectiveness of using converging gender equality principles in CEDAW-Islam as an approach/framework for engendering qanun making will be examined.

### **1.3 Data Collection Methodology**

The independent evaluation was initiated on 23 February 2009 with a document review. The Evaluator received a briefing in Jakarta by the Programme Specialist and Programme Manager on March 11 and conducted data collection and analysis in Aceh from 12 to 18 March. A de-briefing was held on 18 March for Project Office staff and by teleconference with Janet Wong of the Regional Office.

**Coverage of TOR questions.** An inception note was prepared which addressed any reservations in regard to the TOR. The evaluation was able to examine all key evaluation criteria covered in the TOR of relevance, effectiveness, and sustainability. The major limitation was the short time allocated to data collection in Aceh which restricted the ability to interview a wide variety of stakeholders.

**Data Collection Techniques.** Data collection methods included:

- Individual key informant and focus group interviews
- Review of documents including strategic plans of the government and UNIFEM, as well as draft qanuns.

**Sampling Design.** Sampling was purposive, that is, selection of interviewees was based on collecting data from the nine implementing partners, UNIFEM staff and any other stakeholders

who could be met in the limited timeframe. The evaluator visited two partner organizations in their headquarters in Bireun and Lhoksemauwe, a five hour drive from Banda Aceh, as well as the other seven partners who were located in Banda Aceh. An additional 10 days were devoted to data analysis and reporting.

Approximately 40 people were interviewed. The interviewees included:

1. UNIFEM Project Office Staff and Consultants
2. Two UNIFEM staff working on a UNORC coordinated project, Gender Solution Exchange
3. UNIFEM East and Southeast Asia Regional Office in Bangkok Regional Programme  
Director, Programme Specialist and Information Officer
4. UNIFEM Technical Gender Advisor for BRR
5. Staff of nine implementing partners
6. Citizens who benefited from the project services: Syariah Court Judge in Lhoksemauwe; Four GAM ex-combatant women in Bireun
7. Other international organizations working in the justice sector: IDLO

**Stakeholder involvement in the evaluation process.** The TOR was developed through consultation with the donor and the project office. A debriefing was held for the Aceh Project Office Staff on 18 March. An Aide Memoire covering preliminary results was prepared and disseminated to UNIFEM stakeholders on 18 March and was used as a basis of discussion in the debriefing.

**Constraints.** The evaluator experienced constraints to data collection and analysis and addressed them as follows.

- **Time Limitations:** Due to the limited budget for the evaluation, the time allocated for the consultant to carry out the evaluation was extremely short relative to the overall project budget, the number of stakeholders, and the two year implementation period to be examined. The evaluator was able to examine partner progress reports. UNIFEM staff, many of whom were present during most or all of the project, were asked to consolidate their lessons and good practices in writing separately to the evaluator. A chronology was prepared by the gender specialist showing the development of the project in relation to Aceh legal development in order to place the project events in perspective and indicate the political context as the project progressed.

**Triangulation and Bias Reduction.** All findings are triangulated (using three or more sources) to mitigate bias.

**Gender and cultural awareness.** Gender-aware approaches were used in arranging and conducting interviews.

**Confidentiality.** The evaluator pledged confidentiality to all interviewees and does not identify them in relation to their comments unless explicit permission was given.

**Standards.** The evaluation was written with attention to standards developed by the UN Evaluation Group and the ALNAP Pro Forma.

#### **1.4 Acknowledgements**

The evaluator would like to express sincere thanks to the UNIFEM staff members and consultants for their kind and effective support for the evaluation. Although the schedule was tight, UNIFEM staff and consultants generously gave of their time for interviews and to provide analyses of their experiences in writing. The evaluator is grateful to Janet Wong, Sri Husnaini Sofjan and Inda Avrini for careful planning to allow all partners and staff to be met. Special thanks go to Furqan Luthan for his outstanding interpretation skills and patient assistance in meeting the implementing partners and to Shamila Daluwatte for her hard work in compiling the project chronology. Additionally, gratitude is offered to all of the implementing partners and citizens interviewed for their time and careful analyses of the issues and strengths of the project, and to the drivers for their important logistical support.

## 2 Background

### 2.1 Aceh, Indonesia<sup>1</sup>

Indonesia is the world's largest archipelagic state and has 54,716 km of coastline. Aceh is located on the northern tip of the island of Sumatra. Aceh was the closest to the epicenter of the massive 2004 Indian Ocean earthquake, which triggered a tsunami that devastated much of the western coast, including part of the capital of Banda Aceh. 167,736 Indonesians, the majority in Aceh, were killed or missing and 500,000 made homeless. An Oxfam study of the 2004 tsunami's impact on women found that in the eight villages surveyed in Indonesia's Aceh Besar and North Aceh districts, male survivors outnumbered female survivors by a ratio of 3:1 to 4:1. The population of Aceh was estimated to be 4.1 million pre-tsunami. Aceh is a diverse region occupied by several ethnic and language groups. The major ethnic group and language is Acehnese. Relative to most of Indonesia, it is a religiously conservative area. In 2003, Islamic Syariah was implemented based on Law No. 44/1999 on Implementation of Aceh's Special Status and Law No. 18 /2001 of Special Autonomy of Aceh.

An armed struggle in Aceh between the government and GAM separatists (Free Aceh Movement) has flared into violence periodically since the nation's independence. GAM emerged again in the final years of President Soeharto who was ousted in 1998 and was met with force by the Indonesian army, the TNI. The tsunami triggered the peace agreement between the government of Indonesia and GAM. With the assistance of the European Union through the Aceh monitoring mission and strong support from former President of Finland Martti Ahtissari, an MOU was signed in Helsinki on 26 August 2005.

The number of poor in Indonesia remains high with 110 million (53% of the population) living on less than \$2 per day. Indonesia is on track to achieve many of the MDGs by 2015, however, a UN 2006 progress report cites a deterioration in several indicators. Gender gaps in literacy have been reduced but overall progress in equity in education is lacking. Although some wealthier areas will reduce extreme poverty by 2008, the least developed provinces are not expected to reach MDG targets until the end of the century.<sup>2</sup> Aceh has substantial natural resources, particularly oil, however, despite this wealth, 30% of the population lives below the poverty line, higher than the national average and a large number of Acehnese remain vulnerable.

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<sup>1</sup> Compiled from Wikipedia and the CIA World Factbook

<sup>2</sup> From Poverty to Prosperity, A Country Poverty Analysis for Indonesia, Asian Development Bank, 2006.



## **Women in Aceh**

Women constitute approximately 50% of Aceh's population and 20% of households are woman-headed. Years of conflict have multiplied women's roles as community lifelines and thousands of women served as GAM combatants. Women accounted for 55 to 70% of casualty figures in the Indian Ocean tsunami. The UNIFEM-supported All Acehese Women's Congress II in 2005 drew 393 women from all 21 districts, and identified concerns related to erosion of economic security and rights, marginalization from decision-making processes, poor access to education, health services and gender sensitive shelter, and lack of women-friendly conditions in IDP camps. A key concern was the interpretation and implementation of Islamic Syariah that is less gender sensitive and which marginalizes women from decision making.

Gender and women's concerns have been addressed in a fragmented manner in the aftermath of the tsunami and in the reconstruction process. A Multisectoral Gender Needs Assessment and Situational Analysis conducted at the end of 2005 by UNIFEM by the Aceh Institute and Syiah Kuala University, identified the following problems.

**(a) Erosion of women's economic security and rights:** Women have lost their jobs, businesses, and sources of livelihood and women's access to credit, training, and markets have been negatively affected.

**(b) Women's marginalization from key decision-making processes:** Women constitute only 5% of the provincial legislative council and 3% of the district council. Inadequate representation of women in decision making is likely to have a costly long-term impact that is not easily reversible.

**(c) Lack of gender sensitive shelter planning and violence against women.** Most land and housing titles are registered in men's names, making secure shelter a serious concern for women. Domestic violence is a serious problem particularly in households of ex-GAM combatants.

**(d) Reassertion of Syariah and need for legal reform:** The enforcement of Syariah law has resulted in severe punishments for women who have resisted dress and morality codes. Patriarchal interpretation of Islamic Syariah also obstructs women's rights to guardianship and rights to land and property.

A number of gains have taken place since 2005 with regard to women's rights in Aceh.

Allocations to provincial budgets for women have increased from 0.14% in 2005 to 0.26% in

2007.<sup>3</sup> A recent study supported by UNIFEM, published as *Inong Aceh di Tanah Nusantara* (Acehnese Women in Lands of the Archipelago) and written by University of Indonesia sociologist Evelyn Suleeman<sup>4</sup>, indicates that women in Aceh now have better access to health and education and can become decision-makers in the family. Gains have been made with respect to women's participation in the elections process. Women currently make up 28 percent of candidates vying for seats in local legislatures in the April 9, 2009 general elections in Aceh, from more than 1,054 legislative candidates in Aceh, more than 300 are women.

On the more negative side, the patriarchic culture still poses problems for Acehnese women.

- Words such as "gender equality" still provoke contention especially among Muslim clerics
- Acehnese families prefer to enroll their boys at public schools and their girls at Islamic schools but girls then had a harder time to get jobs as companies or offices prefer to have employees who graduated from state schools
- Many people consider domestic violence to be a "normal" practice.

## **2.2 The Governance and Justice Systems in Aceh**

In 1959 the Indonesian government made Aceh a "special territory" (*daerah istimewa*), giving it a greater degree of autonomy from the central government in Jakarta than most other regions of Indonesia. Aceh Government Legislation covered special rights agreed upon through National Law No. 18/2001 as well as the right of the Acehnese to establish local political parties to represent their interests through Law No.11/2006 (Law on Governing Aceh). Administratively, the province is subdivided into 18 regencies (*kabupaten*) and five cities (*kota*). Some local areas are pushing to create new autonomous areas, usually with the stated goal of enhancing local control over politics and development. During elections for the provincial governor held in December 2006, the former GAM and national parties participated. The election was won by Irwandi Yusuf, whose base of support consists largely of ex-GAM members. The National Elections was held in April of 2009 with disappointingly low levels of elected women in the provincial legislative council (DPRA). Among the 69 seats at the DPRA women secured only 4 seats (5.8%) and only 1 woman secured a seat the city legislative council.

The Law on Governing Aceh (LOGA), passed in 2006 as Law No 11/2006, together with No. 18/2001 gave Aceh the right to develop qanuns, or local regulations (*Peraturan Daerah* or

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<sup>3</sup> *Qanun and Aceh*, UNIFEM E-news, 1/2007

<sup>4</sup> As reported in the Jakarta Post 15 February 2009

*Perda*). There are currently 59 qanuns listed in the Legislative Agenda for Aceh and the qanun formulation process will continue until 2012. The qanun process can be lengthy and is composed of the following steps:

1. Formulation of the qanun by the DPRA (*Dewan Perwakilan Rakyat Aceh*) which is the Aceh Legislature
2. For Qanuns initiated by the executive, the qanun is submitted to the Law Bureau for discussion and revision.
3. Submission of the draft qanun to the DPRA
4. Discussion with the Legislation Committee of the DPRA
5. Public hearing and inputs on qanun
6. Passage of the qanun by the DPRA
7. Ratification of the qanun by the Governor
8. Publicity of the qanun

As part of its autonomous function, the regional government is empowered to construct a legal system independent of the national government. There are four types of legal institutions:<sup>5</sup>

1. **Syariah.** In 2003 the religious courts were replaced by Mahkamah Syariah (Syariah Courts) in Aceh by Presidential Decree, and these courts sit in each district with appeals heard provincially and finally by the Supreme Court. Syariah is applied within the system of national law and as further regulated by qanun.
2. The **MPU** (*Majelis Permusyawaratan Ulama*) is the Consultative Assembly of Ulama which has separate councils in each of Aceh's Kabupaten which are overseen by a central authority in Banda Aceh. The MPU's structure includes a leadership body composed of 27 members who are Ulama from the province, Kabupaten and town levels and religious scholars. The MPU must be consulted on all qanun passed by the provincial authorities.
3. The **Dinas Syariat** is the section of the Governor and Bupati's (regent) office which oversees Islamic law in Aceh and drafting the qanun.
4. The **General Courts** (*Pengadilan Negeri*) are located in each district and there is an appellant court in Banda Aceh all of which have jurisdiction over a wide range of matters, including criminal and civil offences, land, industrial relations and tax.

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<sup>5</sup> Excerpted from "Guardianship, Inheritance and Land Law in Post-Tsunami Aceh", IDLO, 2006.

Customary law in Indonesia is called *Adat*, and refers to a set of beliefs or norms that traditionally apply in societies across Indonesia. *Adat* is Aceh's default legal structure, applicable only informally or where formal regulations have no rulings. *Adat* institutions at the village level mediate and resolve disputes. Police are required by (local regulation) *Perda 7/2000 On the Administration of Adat Life* to give village leaders the opportunity to settle disputes before commencing investigations. Given Aceh's increased autonomy, there has been a move to create new institutions that promote *Adat*. Various qanun further regulate the administration of *Adat*, including that the Camat (each regency or city is divided into sub-districts, Kecamatan, headed by the Camat, who is a civil servant, responsible to the Bupati for a regency, or to the mayor for a city) has the authority to strengthen women's empowerment.

### **2.3 UNIFEM's Women's Rights Support in Aceh**

UNIFEM's mandate stipulates that it: "*seeks to strengthen the quality of the legal and judicial systems, and thus improve the quality of the governance, which, it is hoped, would contribute to the reduction of poverty and the furtherance of justice*". The organization began work in Aceh after the tsunami in 2005 when UNIFEM established the project office in Banda Aceh. In 2006 UNIFEM supported gender advocates to intervene in the process of development of the Law on Governing Aceh. Advocates developed an alternative draft that included 26 articles relating to gender. Six articles were adopted and included in the final legislation. One article stipulated that 30% representation of women in local political parties which has resulted in more women candidates in the recent election campaign. (See project chronology in the annexes for more information.)

UNIFEM's regional work administered by the UNIFEM East and Southeast Asia Regional Office (ESEARO) includes a CEDAW Southeast Asia Programme funded by CIDA. CIDA is concluding its Country Development Programming Framework for Indonesia 2005-2009.

With Syariah increasingly becoming the normative reference point that determines women's role, status and position in Aceh, UNIFEM decided that it was important to highlight synergies and points of convergence between rights-based provisions for women outlined by CEDAW, gender equality provisions in Aceh's Syariah and Syariah implemented in other Islamic countries that promotes gender equality and women's empowerment. Thus with support from CIDA, UNIFEM initiated the project, "Strengthening Women's Legal Rights in Aceh" which began implementation in April 2007 and concluded on 31 March 2009.

UNIFEM is one among other organizations such as UNORC, IDLO, UNDP, IOM, Oxfam, and the Asia Foundation and their partners and a number of national NGOs/CSOs among others who are working toward similar goals. UNDP's project with BAPPENAS (Indonesia National Development Planning Agency) is "Strengthening Access to Justice for Peace and Development in Aceh" (AJP) Project 2007-2009. The project seeks to strengthen institutional capacity of the High Court and District Courts in Aceh. IDLO's "Justice Education and Training (JET) Program for Formal Justice Providers in the Aceh province", is part of the UNDP-BAPPENAS project. The GoI built a special agency for Aceh and Nias reconstruction in 2005, called Badan Rehabilitasi dan Rekonstruksi untuk Aceh dan Nias (BRR/Agency of Rehabilitation and Reconstruction for Aceh and Nias) headed by a former Indonesian minister. This agency has ministry level of authority and incorporated officials, professionals and community leaders from all backgrounds. The functions of the BRR concluded in April 2009 and was turned over to the provincial government.

UNIFEM positioned a gender advisor in the BRR in 2006 and the BRR has been guided by UNIFEM in a number of important initiatives. A gender policy was established with technical assistance from the UNIFEM Gender Advisor in the document "*Promoting Gender Equality in the Reconstruction of Aceh and Nias*" of 2006 which set out definitions and BRR's approach to mainstreaming gender into each sector for rehabilitation. In 2006, the UNIFEM Gender Advisor for BRR assisted in developing the concept of Joint Land Titling and BRR Gender Policy for the rehabilitation and reconstruction programme in Aceh. In 2006, the BRR and the National Land Agency (BPN) officially released a policy statement on joint land titling and has put into place administrative mechanisms for implementation.

UNIFEM through its Gender Advisor has also provided technical assistance to the implementation of BRR's programme on Education for Female Ulama (religious leaders). This programme aimed to build the capacity of female ulamas who play important role in education for women in the *pesantren* (religious school). The Gender Advisor also initiated Gender Focal Points across directorates of BRR, and introduced Gender Checklist and Gender Tip Sheet as guidance to measure and analyze progress made in the rehabilitation and reconstruction programme from a gender perspective.

The UNIFEM Gender Advisor has also assisted BRR in formulating a Gender Exit Strategy that articulates how the gains it has made can be sustained as the provincial government assumed its responsibilities and functions in mid-April 2009. UNIFEM has strengthened partnership between BRR and Badan PP as the leading government institution that is responsible in implementing the Gender Exit Strategy for Aceh. A Gender Focal Point programme at district level was also initiated to assist the government in developing and implementing gender mainstreaming initiatives in Aceh. Despite the progress made in influencing gender issues in reconstruction, a gender scorecard in September of 2008 judged that 12 of 17 World Bank Multi-Donor Trust Fund projects earned very low grades for failure to address gender issues in their design, indicating that considerably more work lies ahead.<sup>6</sup>

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<sup>6</sup> “Empty Promises: Gender Scorecard of World Bank Managed Post Tsunami Reconstruction in Indonesia” Susanna Denis and Warisha Yunis, Gender Action, September 2008.

### **3 Evaluation Findings**

*This section of the report answers the questions posed in the TOR (see annexes for TOR).*

#### **3.1 Overall Findings**

The evaluation's overall conclusion is that UNIFEM's CIDA-funded project, "Strengthening Women's Legal Rights in Aceh" was relevant to the context and effective in contributing to improving the lives of women in Aceh. Over the past two years, direct recipients of UNIFEM's support, the partner organizations and trainees said that the activities have been extremely valuable and that UNIFEM's advocacy and funding is critical to maintaining momentum for integrating gender into legal reform and increasing awareness and application of the CEDAW in the context of Muslim society. Partner organization staff and trainees overwhelmingly stated that training and working with UNIFEM had enhanced their capacity and that knowledge and skills for raising gender awareness were transferred to other aspects of their work.

It is difficult to assess the wider impacts of the project because UNIFEM is one of several organizations providing support to the justice sector and the political influences are largely beyond UNIFEM's control. There is evidence that UNIFEM has promoted a significant number of achievements in engendering legal reform and improvements in support by legal professionals for women's rights as well as women exercising their rights. A number of accomplishments have a high potential for sustainability including the higher levels of awareness of gender issues and the converging principles of Islam/CEDAW on the part of legislators and policy makers, government staff in the province and districts, judges and prosecutors, law enforcement staff and the public. Capacity development for partners will promote their continued advocacy and gender mainstreaming activities.

Fundamentally, the evaluation urges that UNIFEM's support is continued in Aceh to avoid losing a foothold in integrating gender equality principles into the qanun making processes and to achieve the critical mass of advocates and gender/CEDAW aware people that are needed to make changes in the province, districts and communities. UNIFEM should use its considerable experience expanding to influence local decision makers using customary law in more districts and pursue a preventive approach by incorporating and strengthening CEDAW into curriculum in local mediation processes, law schools, law enforcement training centers and women's studies programs with careful attention to needs assessments and promoting the development of a

provincial masterplan for women's rights by stakeholders. UNIFEM should continue to cultivate government and other partners in supporting women's rights as well as individuals, including males, to champion the causes of gender equality.

The evaluation has compiled numerous good practices and lessons that are important for a next phase of the project and are applicable to projects in other countries. These are compiled in Section 4 of this report.

### **3.2 Effectiveness - Achievement of outputs and progress towards outcomes**

The project is assessed against the following criteria:

- To what extent has the project achieved the stated outputs?
- What evidence exists of progress towards the outcomes?
- Assess the factors that facilitated/inhibited project contribution towards outcomes. In particular:
  - Partnership choices and strategies
  - Project strategies/approaches, e.g., capacity development, awareness building, knowledge generation and dissemination
  - Effectiveness of the strategy of using the converging principles of gender equality in CEDAW and Islam in advancing women's legal rights in Aceh?
  - Project management, e.g., adequacy of management structure in Aceh; adequacy of the management structure at regional office to facilitate the support to the project on managerial, administrative and technical matters; adequacy of monitoring and reporting
  - What if any have been unexpected results to which the project has contributed? Beyond stated project outcomes, is there evidence that demonstrates value added, or potential value added, in ensuring greater attention to gender equality concerns in the context of the MDGs, provincial and national development plans, budgetary processes, decentralization, and efforts to achieve greater UN coordination?

#### **3.2.1 Achievement of outputs and outcomes**

This section discusses UNIFEM and implementing partner organizations' success in completing planned activities and progress toward the planned outcomes. The Logical Framework Analysis (LFA)<sup>7</sup> for the overall project sets out the following goal and purpose.

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<sup>7</sup> "Project Implementation Plan, Strengthening Women's Legal Rights in Aceh", July 2007



**The project goal is:** *To improve the lives of women in Aceh by enhancing their role in the political, social and economic institutions of Aceh*

**The project purpose is:** *To strengthen key institutions and a core group of strategically positioned advocates to promote women's legal rights in the context of Aceh's autonomous legal reform.*

The output and outcome indicators were tracked in several reports.<sup>8</sup> The expected project **outputs** and **outcomes** and tracking of corresponding indicators are shown in the charts below. (A + sign is shown where the outputs and outcomes exceeded those planned.)

(See the annexes for a chart which includes all of UNIFEM's implementing partners with a brief description of their outputs and outcomes of their work.)

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<sup>8</sup> UNIFEM First Progress Report to CIDA: "Strengthening Women's Legal Rights in Aceh" April 2007 to March 2008; UNIFEM Summary Report and Data Sheet Matrix, March 2007 and July 2007; CIDA Monitoring Matrices, March 2008 and January 2009,

<b>Output 1:</b> Strengthened partnerships/collaboration among and between multiple stakeholders advocating for mainstreaming of gender sensitive perspectives into selected qanuns.			
<b>Some corresponding implementing activities:</b> Capacity building for judges, lawyers and paralegals (LBH-APIK, PKH Syariah IAIN Ar-Raniry); TOTs for advocates and government staff (UNIFEM); Technical assistance for drafting (PKH Syariah IAIN Ar-Raniry);			
<b>Indicator</b>	<b>Baseline data</b>	<b>Evidence of achievement</b>	<b>Source of evidence</b>
1.1 Increased number of invitations from government and legislative agencies to project partners to attend policy discussions.	# of invitations received from April 2006 to March 2007 (89)	As of March 2008, 641 letters/invitations were received from government and legislative agencies since beginning of project. 543 of those invitations were received in the final six months of the Strengthening Women's Legal Rights project	Correspondence records of partner organizations; anecdotal
1.2 All of the targeted priority Qanun (3) will be included in the first legislative agenda (Elections, Women's Empowerment and Syariah)	One was on the agenda for 2007 (Making qanuns)	Three targeted qanun are on the agenda by March 2008 + other qanun added and supported	Legislative agenda
<b>Output 2:</b> Increased capacity of key stakeholders to influence the mainstreaming of gender perspectives into selected qanuns.			
<b>Some corresponding implementing activities:</b> Analysis on the Application of Principles of Gender Equality in Draft Qanun (PUSHAM); Training of			

Trainers (UNIFEM); Convene women's groups (UNIFEM); Technical assistance for drafting (PKH Syariah IAIN Ar-Raniry); Facilitate multi-stakeholder discussions (MiSPI/JPUK, Balai Syura, YICM); Study Tour (Balai Syura);			
Indicator	Baseline data	Evidence of achievement	Source of evidence
2.1 Representatives of women's CSO, government institutions and academics institutions agree on qanuns to be targeted to address identified problems.	No agreement pre-project	Consensus achieved and agreements signed with the Bureau of Law	Documentary analysis of minutes of network meetings
2.2 Agreement among advocates and core partners on a strategy for coordination of activities on lobbying, drafting and public awareness campaign and research	No agreement pre-project	Consensus achieved on priorities and + joint guidelines developed for analysis of qanun	Documentary analysis of minutes of network meetings
2.3 At least 5 of the 10 core partners will report increased or improved collaboration by the end of the project.	Retrospective baseline	7 reported increased collaboration with other partners	Interviews with partners; anecdotes
<b>Output 3:</b> Increased availability and use of documentation and resource materials on CEDAW-Shari'a/Islam.			
<b>Some corresponding implementing activities:</b> Document and disseminate good practices on gender equality and Islam (PKH Syariah IAIN Ar-Raniry); Develop and maintain website (UNIFEM); Strengthen support to PSG Unsyiah resource center (UNIFEM); Production of academic materials (PSW-IAIN);			
Indicator	Baseline data	Evidence of achievement	Source of evidence

3.1 Monthly increases in Number of documents downloaded from the project website.	No downloads and no website	300/month average downloads from Qanun and Aceh E-news and CEDAW convention in Bahasa	Website record and documentary analysis
3.2 Increase in the number of visits to the resource centre at PSG UNSYIAH.	30 visitors in previous year	Increase in visitors	Anecdotal
3.3 Partners report increased use and satisfaction with CEDAW syariah resources.	None disseminated	A series of academic handbooks produced by PSW-IAIN	Not yet evaluated

The project achieved strong results in the three outcome areas. For Outputs 1- 3, the following additional information and achievements (beyond those mentioned in the chart above) and synergistic outputs were reported by January 2009:

### **Strengthened partnerships**

- Consensus reached among UNIFEM partner organizations on strategy for advocacy as well as roles of each organization on advocacy activities for each targeted qanun.
- UNIFEM partners are on advisory committees for government initiatives such as the Aceh Human Development Report.

### **Increased capacity**

- Core partners have been appointed by the Provincial Law Bureau to facilitate drafting process by forming drafting committees for: Qanun on Women Empowerment and Protection; Qanun Kompilasi Hukum Jinayat (formerly Qanun Syariah revision on *Khamar, Khalwat, Maisir* and *Ikhtilat*) and Qanun on Syariat Procedural Law (Hukum Acara Jinayat), and Qanun on the Execution of Elections in Aceh.
- UNIFEM partner JPuK was requested to review and provide inputs for the Aceh Legislative Agenda (Prolega) draft.
- UNIFEM partners involved in drafting and advocacy on the following qanuns: Qanun on Transparency and Public Participation, Qanun on Health, Qanun on Labour, Qanun on Administration and Demography, Qanun on Land Qanun on Investment, Law on Health (National Level), Qanun on Truth and Reconciliation Commission, Qanun on Social Welfare, Qanun on Syariat Procedural Law (Hukum Acara Jinayat), Qanun on Education, Qanun on Children Protection, Qanun on Ulama Council (MPU).

### **Increased use of documentation**

- Accessible and up to date information provided through quarterly e-newsletter “Qanun & Aceh”. English and Indonesian editions of Qanun & Aceh Enews have been viewed over 4,500 times since the beginning of the project.
- Partners are making use of materials on CEDAW, Gender and Islam, e-newsletter “Qanun & Aceh”, What is...?” series of fact sheets, discussion papers written by partners, and a range of other UNIFEM materials that have been translated into Bahasa Indonesia.
- UNIFEM is supporting, and along with partners, participating in the Solutions Exchange online Community of Practice (CoP) on Gender which is a forum for sharing information and

opinions on challenges/obstacles for gender advocates in Aceh and possible solutions. There are currently 347 members in the Gender CoP. Since the CoP was launched there have been four queries posted, each averaging five detailed responses each.

The expected project **outcomes** and tracking of corresponding indicators are shown in the chart below. (A + sign is shown where the outputs and outcomes exceeded those planned.) **The expected results are:** *Gender equality and women's empowerment perspectives advanced through improved awareness and application of CEDAW, the Law on Governing Aceh and qanuns.*

<b>Outcome 1: Selected qanuns are gender responsive and women are empowered to claim their rights. .</b>			
<b>Some corresponding implementing activities:</b> Capacity building for judges, lawyers and paralegals (LBH-APIK, PKH Syariah IAIN Ar-Raniry); TOTs for advocates and government staff (UNIFEM); Technical assistance for drafting (PKH Syariah IAIN Ar-Raniry); Facilitate multi-stakeholder discussions (MiSPI/JPUK, Balai Syura, YICM); Media training and awareness raising (YICM); Production of academic materials (PSW-IAIN); Radio shows and public debates (LBH-APIK); Government-wide socialization of CEDAW (Baden PP); Community socialization of CEDAW (LINA, LBH-APIK); Gender Solution Exchange (UNIFEM);			
<b>Indicator</b>	<b>Baseline data</b>	<b>Evidence of Achievement</b>	<b>Source of evidence</b>
1.1 Core partners obtain increased funding for gender-syariah programming from government.	No funding	\$110,000 from BRR to partners by March 2008; +others receive donor funding	Press reports, documentary analysis
1.2 Increase in the number of reports on radio, television and newspaper about or by participating partner advocates.	April '06 to March '07 (72 articles)	By March 2008 – 80 articles, 18 radio talk shows, 3 TV talk shows, local radio interview of UNIFEM, Feb. 2008	Partners reports, media and documentary analysis
1.3 CEDAW and Syariah law modules accepted by the university and used in teaching and courses.	No modules exist	Publication of handbooks on Fiqh, Tafsir and Islamic gender history; CEDAW materials referenced	Published university curriculum
1.4 Increase in the number of references on the primary Indonesian search engine to the	4 Google references on one day: JPUK, Gender, CEDAW	Increase by one reference; Low usage of this media in Indonesia	Google Indonesia

main advocacy partner's (JPuK) activities in gender and CEDAW.			
1.5 Increase in the number of trainers on gender issues working in CSOs, government and academics Institutions, funded by government and other donors.	15 trainers	25 trainers by March 2008 + invitations to train in various venues	Partners' annual workplans and reports
1.6 Increase in the number of training activities for judges, lawyers, paralegals and media representatives on women's rights to protection under syari'ah law, <i>funded by government and other donors</i> , undertaken by the project partners.	5 training activities	At least 10 by March 2008; over 40 by January 2009	Partners' annual workplans and reports
<b>Outcome 2:</b> Improved understanding, technical capacity, commitment and leadership to integrate gender equality into selected qanuns among gender advocates and mainstream institutions.			
<b>Some corresponding implementing activities:</b> Analysis on the Application of Principles of Gender Equality in Draft Qanun (PUSHAM); Convene women's groups (UNIFEM); Technical assistance for drafting (PKH Syariah IAIN Ar-Raniry); Facilitate multi-stakeholder discussions			



(MiSPI/JPuK, Balai Syura, YICM); TOTs for advocates and government staff (UNIFEM);			
Indicator	Baseline data	Evidence of Achievement	Source of evidence
2.1 At least one targeted priority qanun incorporates general principles for laws which include: 1. Gender Equality; 2. Non-discrimination on gender; and/or 3. Temporary special measures.	No principles referenced	Qanun on Elections was passed with 30% female quota; Women's Empowerment Qanun incorporates principles	Legislative Analysis
2.2 Increase in the percentage of the recommendations made by partners to the drafts for at least 3 identified qanuns, which are incorporated in the final draft submitted to legislative body	23.5% of JPuK's recommendations accepted	Increase in direct influence and involvement in drafting and consultation	Legislative analysis
<b>Outcome 3:</b> CEDAW-Shari'a/Islam knowledge base adapted, localized and institutionalized to strengthen advocacy for women's legal rights in Islam.			
<b>Some corresponding implementing activities:</b> Capacity building for judges, lawyers and paralegals (LBH-APIK, PKH Syariah IAIN Ar-Raniry); Community socialization of CEDAW (LINA); Government-wide socialization of CEDAW (Baden PP); Production of academic materials (PSW-IAIN);			

Indicator	Baseline data	Evidence of Achievement	Source of evidence
3.1 At least 50% of the judges and ulama (Religious leaders) involved in the training and networking activities report using materials or ideas from the knowledge base in their work.	No materials produced or used	80% of judges and ulama involved in training reported using materials; 20% are producing materials	Judges, religious leaders
3.2 Judges, ulama, and advocates report disseminating material to others Increase in the number of visits to the resource centre at PSG UNSYIAH.	No materials produced or disseminated	Reported increases in sharing of materials and circulation of documents through the Gender Working Group	Judges, religious leaders

For **Outcomes** 1- 3, the following additional information and achievements (beyond those mentioned in the chart above) and synergistic outputs were reported by January 2009:

### **Gender responsiveness**

- As a result of UNIFEM's CEDAW-Islam training series and other capacity building activities there are 35 key stakeholders with the skills necessary to train others in CEDAW and Islam. Partners have facilitated upwards of 40 training activities for numerous groups including: Women's Empowerment and Child Protection Agency, senior-level government officers from a range of provincial departments, women ex-combatants in conflict-affected areas, journalists and media advocates; staff in partner NGOs such as LINA and YICM, GTZ supported programme for WDC in Kota Madya, and for CIDA supported activities in Aceh.
- Partners who attended CEDAW-Islam training developed a framework which incorporated the principles of gender equality in CEDAW and Islam for analysis of qanun and to aid advocacy.
- Qanun on Local Political Parties No.3/2008 passed on 13 June 2008 mandating that 30% of candidates listed by local political parties are women.
- Draft Qanun on Women's Empowerment and Protection of Women has incorporated principles of gender equality, non discrimination and temporary special measures. UNIFEM partners are advocating for an alternative draft to be adopted which promotes a non-protectionist approach and enhances substantive gender equality in line with CEDAW
- Draft Qanun on Compilation of Criminal Laws (Qanun Jinayat) incorporate crimes of violence against women and sexual assault to the existing draft of Qanun on Syariah.

### **Increased leadership**

- UNIFEM supported two delegates to attend the CEDAW Committee 39<sup>th</sup> meeting (2007) in New York which resulted in specific mention of gender equality concerns in Aceh in the CEDAW Committee's Concluding Comments, particularly focusing on discriminatory laws.
- Bureau of Women's Empowerment was upgraded to agency status (Women's Empowerment and Child Protection Agency) in Qanun No.5/2007 in October 2007 in line with CEDAW Concluding Comments, as a direct result of advocacy efforts of UNIFEM partners.
- UNIFEM partners invited by legislative and executive bodies and Qanun drafting teams to provide gender equality perspectives for draft qanuns. Qanuns include Qanuns on Women Empowerment and Protection of Women's Rights; Qanun on Syariat Law (Qanun Jinayat); Qanun on Land; Qanun on Education; Qanun on Child Protection, Qanun on Ulama Council

(MPU); Qanun on Demography Administration; Qanun on Social Welfare; and at the Kota Banda Aceh level, Qanun on Health.

- Discussion paper on Islam, CEDAW and Violence Against Women, and Strengthening Women's Political Participation in Aceh, have been published and widely distributed, including in Nusa Tenggara.
- UNIFEM and UNORC facilitated the active participation of gender advocates to integrate gender equality issues and concerns into the Aceh Recovery Framework. As a result, the Gender Working Team was formed to take forward engendering of ARF and to monitor its implementation.
- Syariah Court judge and UNIFEM partner has requested support from gender advocates and UNIFEM to build the capacity of Syariah Court judges in Aceh to respond more effectively to issues of discrimination against women. Judges will be trained on the National Domestic Violence Law, CEDAW and laws relating to women's rights and marriage.

#### **CEDAW knowledge base adapted**

There is considerable evidence that activities undertaken by the project have resulted in immediate impact by adaptation of the CEDAW knowledge base to the Aceh context. Three roundtable discussions were held on violence against women, unregistered marriages, and EAW in Syariah Court. These discussions have contributed to the dialogue between gender advocates and the Council of Religious Leaders (Ulama Council or MPU) resulting in valuable public support from the Ulama Council for gender advocates on VAW and unregistered marriage and polygamy.

Other activities had positive outcomes and are likely to show impact in the future. Gender advocates, government officers, DPRA and Ulama Council have learnt good practices on gender and Islam from four study tours to Islamic countries which they report is informing their own work. Experiences from the study tours are being drawn upon in public discussions and other forums. Facilitated by implementing partner Balai Syura, the study tours aimed to improve the conceptual understanding of selected advocates by learning about the experiences of other countries and meeting people working on similar goals. Examples of site visits on the study tours included a Syariah Court in Malaysia; the Truth and Reconciliation Commission in South Africa; and in Morocco, participants met with members of the Royal Commission for Family Code Reform. Information and ideas gathered on the study tours is being used in advocacy and policy making in Aceh to strengthen women's legal rights.

Valuable lessons drawn from participants' reports from the Morocco study tour include:

- Reform and democratization of nation and state life, including equality between men and women in various sectors and levels, are very much influenced by people's determination and seriousness to change unfair or unfavorable circumstances into a justice for all
- Political will of the government is needed, particularly the highest ruler to make such changes so as to create justice between men and women through various state policies.
- These policies should be formulated systematically and effectively concerning procedures, mechanisms, targets and indicators of changes which shall be, are being and have been carried out.
- Harmonization and good collaboration between the government and NGO sectors are the most influencing factors in making reform and democratization.
- Availability of gender disaggregated data is the most powerful and significant basis to make changes toward a gender equality arrangement. Without this data, which are accurate, systematic and comprehensive, the aims of materializing a gender equality arrangement in our nation and state life will not succeed. Gender disaggregated data will not only show the fact or reality, but also identify problems being encountered by women, causal factors, and method or strategy to resolve problems effectively and efficiently.
- An integrated outcome-based management is the most strategic way to materialize successful programs to measure intensity and success level of a gender sensitive program, which can also be used as a strong basis to formulate future programs.
- An important issue in the context of legal reform and application of Islamic syariah is justice principles and it is not only based on legal certainty.
- Ulama's support for Islamic community is an important factor and power to change perspectives and behaviours to be more gender responsive and equal.

**Unplanned positive results.** There were many positive unexpected results to which the project contributed; some of the outputs exceeded the vision of the planning process. These include requests from UNIFEM and partners for inputs into the qanun-drafting processes,

There have been spontaneous requests to both UNIFEM and its partners for inputs to qanun-drafting processes at both provincial and district levels. Partners are being engaged not only as "gender advocates" but as skilled drafters and reviewers.

After the Bureau of Women's Empowerment was upgraded to an Agency, UNIFEM took the opportunity to work closely with the restructured organisation, which has led to further funding for the Agency to develop a strategic plan and facilitate the collection and publication of sex-disaggregated data and gender profiles for Aceh Province and Banda Aceh city. Badan PP and PA's relationships with other government agencies, the women's organizations and the UN system has grown exponentially as a result of its open and reciprocal relationship with UNIFEM.

By working to strengthen the capacity and leadership of advocates and institutions, *Strengthening Women's Legal Rights* Project has contributed to UNIFEM's work in Aceh in many ways. The Gender Advisor for BRR has been able to capitalise on strengthened collaboration with CSOs and especially the Badan PP and PA.

Stemming from UNIFEM's facilitation of core partner involvement, extensive revitalisation of gender focal points in each district office has been undertaken, the existing P2TP2 gender equality principles are being integrated into pesantren (religious boarding schools) curriculum.

Through linkages with other projects and provision of technical assistance UNIFEM has supported partners to expand their own programmes through additional funding. Through the Aceh Government Transformation Programme (AGTP), UNIFEM facilitated the process of Badan PP and PA's inclusion in Satuan Kerja Pemerintahan Aceh (SKPA) which will serve as an extra funding stream for the Agency to develop a Gender Policy, gender responsive budgeting and other initiatives.

Furthermore, UNIFEM's gender advisor to the BRR is facilitating the development of a gender expert team that will be engaged to mainstream gender into policies, plans and programmes for Aceh. Discussions are taking place amongst CSO and academic leaders in the community.

Last but not least, the formation of a Men's Forum to support Gender Equality in Aceh in the context of Islamic Syariah is commendable. This Forum will provide the space for male gender advocates to share experiences and strategies on advancing gender equality in Aceh.

### 3.2.2 Factors Affecting Progress

The project has made substantial progress toward achieving the stated outcomes and significant evidence exists to this effect as demonstrated above. The following section discusses the factors which affected the outputs and outcomes. It is structured through questions posed in the TOR and based on analysis from interviewees of their lessons, good practices and recommendations for strengthening future efforts. Suggestions for improvements for the future are mentioned in terms of assessment, results based management and monitoring. Strategies for selecting partners produced mainly positive but some mixed results. The project targeted a broad range of stakeholders and planned activities were largely successful. The strategic use of the converging principles of Islam and CEDAW was very effective. As explained below, interviewees felt that project management can be made more efficient through strengthening contributions from staff and partners. There were a number of positive unplanned results and synergies.

#### Assessment

UNIFEM conducted assessments prior to the project, through meeting and consultations with partners, assessment of workshop and conference results, and analysis of lessons and good practices from its post-tsunami activities. The project design took into account the recommendations of the Second All Acehese Women's Congress of 2005, the regional approach taken by the ESEARO, and consultations with stakeholders. Some interviewees said that the assessments undertaken were appropriate for the context in Aceh while others noted that the assessment process may have been more effective by including more social aspects related to project development and a broader range of informants. The following is suggested.

- **Community based assessments** would enhance knowledge regarding community needs and interests that could be followed up in the program design. For example, the CEDAW sensitization for women ex-combatants in Bireuen proved to be difficult to understand for the participants, many of whom are illiterate; a second attempt was more successful when couching CEDAW, Security Council Resolution 1325 and gender within a discussion on trauma healing.
- **Partner self-assessments** for the purposes of promoting positive changes, sustainability and value added for the beneficiaries, making the approach useful to both fulfil UNIFEM's mandate, use partner strengths and their own assessments of needs, and to introduce new initiatives. This might include closer consultations or surveys together

with women's networks. (Some noted that survey forms are not always returned in Aceh, however, an interviewing process could also be used.)

- **Communications assessment** for identification of motivators and barriers - the social elements to be considered when communicating with the various stakeholders and the types of messages likely to be effective.

### **Informal Discussion with Women Ex-combatants**

The staff of LINA point out three issues that have received little attention by assistance organizations and the government in Aceh: 1) the results of conflict on women have not been well addressed; 2) legislators who control law making processes often do not listen to the opinions of the public especially the grassroots level; and, 3) many of the laws already in effect are not implemented due to little understanding of them by the public and the justice providers. There is also a parallel court system with Syariah and national courts which is confusing to the public.

Four women ex-combatants revealed that their main problem was trying to be valuable to their communities but they have no idea how to do that. They want to have some sense of power over their own welfare and need help to find employment. They have received training in several skills areas but do not know how to market the skills, they remain as farmers basically. They feel that women are unfairly treated although the situation has improved as there are less extremist points of view now. There is growing awareness of the law against domestic violence. Through LINA's awareness raising activities, they know where to go to report abuse but the coverage was not enough and there are many others who need the training. LINA had hoped to create community centers to serve women particularly the ex-combatants but has not found the funding to do so.

### **Results based planning**

The UNIFEM project team in Aceh received results based management (RBM) training and spent many hours supporting partners to develop their proposals. Some partners had very little experience in using RBM tools and their log frame analysis (LFAs) are developed with varying degrees of effectiveness. It is difficult in some cases to track their contributions to the overall project LFA and the overall LFA was not adapted as partners were added and adjustments were made. To ensure partners' commitment to the outcomes and indicators, partners need to feel ownership of them, based on their own understanding of what they must do to achieve results,



and development of them through a participatory process including all staff. UNIFEM is now undertaking RBM training for partners. The following is also suggested to strengthen RBM.

- Treat the results framework as a flexible and living document, updating it periodically and refining indicators if necessary.
- Allow adequate time for UNIFEM staff and partners to develop the LFAs, modify them as needed, and translate the final approved LFA back into Bahasa so that all partner staff members can reference them throughout the project.

### **Monitoring and evaluation**

UNIFEM staff monitored partner activities closely within the confines of time and budget (UN MOSS compliance makes travel outside of Banda Aceh expensive and time consuming). All partners received extensive staff time when reporting to ensure that results from the project were being properly measured. An in-depth monitoring report was prepared for the first year of the project (April 2007 to March 2008). Summary reports on progress on indicators were also prepared for CIDA monitors (July 2007, May 2008, January 2009). Partners also submitted reports midway and upon completion of their activities. The partners generally collected feedback on their activities and provided information on short term outcomes. For example, LINA interviewed members of the public in regard to the preliminary impact of their radio drama on violence and discrimination.

All projects benefit from having a comprehensive M&E strategy or plan, which is developed in detail and separately from the project implementation workplan. This is suggested for future projects. The potential impact of having and implementing the M&E plan, among others, is to systematize data collection and strengthen the efforts of the various partners to collect feedback on their activities.

### **Partnership choices and strategies**

UNIFEM used a strategy to select partners based on the ingredients needed to work toward the outcomes and partner capacities as well as previous relationships established with some of them. Partners were selected on the basis of their work history, credibility and strategic positioning to influence change. Interviewees felt that the choices reflected a broad array of capacities, intervention types, target groups, and creative strategies to address the issues. There were some tradeoffs in partner activities. The partner YICM did not excel at supporting gender related discussion with lawmakers but produced excellent results in generating a social dialogue on

gender equality in media and the youth, especially among young men. UNIFEM's attention to women ex-combatants through partnership with LINA is important in that it supports vulnerable women in a sensitive political environment where little or no attention has been devoted to their unique problems by other organizations. And UNIFEM's partnership with PULIH through the project with LINA has begun putting initial steps on working with post-conflict communities on trauma healing. UNIFEM's continuous support for and capacity development of the Women's Empowerment and Child Protection Agency (Badan PP and PA) is critical for building capacity of this government organization.

### **Project strategy**

UNIFEM made a strategic decision to focus on engendering legal reform. The project LFA targets women in Aceh, women and men groups, religious institutions, government agencies, civil society organizations, academia, key institutions, and a group of strategically positioned advocates, including partners, media and legal professionals. Entry points into the community have been made through LBH APIK, LINA and Balai Syura with the aim of raising awareness of qanun making process and women's legal rights. Certain activities in the partners' LFAs targeted communities, "society", and the "public".

UNIFEM's strategies can be seen as part of the overall strategy of all assistance actors and government to promote women's rights. There is a strong connection between UNIFEM and the BRR through the gender advisor, who has, along with those who preceded her, accomplished a great deal to incorporate gender sensitivity in reconstruction programs. This relationship also acted as a strong mechanism for influencing a number of assistance and government institutions. UNIFEM's work is aligned with the regional government plans.

The creation of a masterplan which sets out the gender related needs and determines who will address them was not within the scope of the project, but the lack of one among organizations suggests that they may be not working efficiently, eliminating duplication and promoting synergies, for support of women's rights. UNIFEM is one among other organizations such as UNORC, IDLO, UNDP, IOM, Oxfam, and the Asia Foundation and their partners and a number of national NGOs/CSO and multiple women's networks who are working toward similar goals. It was noted that groups are not always willing to share information and that are not clear in regard to how and where they are integrating gender into their work. UNIFEM may be able to promote

stronger interagency planning with government and assistance actors to ensure coherence and sustainability of results.

### **Project management**

Partners generally reported confidence in the strong Aceh-based team with good communications and increasing devotion to consultation by Bangkok staff as the project progressed. UNIFEM's management was generally praised in terms of the nature of consultations with partners which were seen to be on a peer to peer level, and making solid connections to the global picture of women's rights.

Delays were sometimes experienced in approval of proposals and funds transfer due to 1) proposals that did not conform to the RBM, 2) late submission of proposals by partners, and, 3) the need for interchanges between UNIFEM and partners to strengthen proposals and reporting. (The budget for activities was determined and allocated by ESEARO in consultation with the Program Manager of the Project Office.) Partners had trouble conceptualising the need to report on the results of the project, rather than just a listing of activities completed, so revisions were often required. Partners submitted reports in Bahasa which then had to be translated into English, which was carried out by UNIFEM staff.

The project office conducted a two day Partners Coordination Workshop in July of 2008 to strengthen partnerships and promote collaboration among the partners. The issues regarding reporting were vetted and although some improvements were noted afterward, most partners still required a great deal of support from UNIFEM staff to produce adequate reports. An additional one-day workshop in March 2009 for partners to gain a sense of how their project linked with other partners' and fit into the bigger picture of the Strengthening Women's Legal Rights project. The workshops also aimed to strengthen partnerships, promote collaboration among the partners and build capacity on RBM.

UNIFEM project staff themselves need to be encouraged and supported to use their knowledge and initiatives in project management. Some staff were in need of skills training or coaching to be able to fulfil their roles in the complex and sensitive environment. Several suggestions were made by interviewees to strengthen project management.

- In anticipation of reporting challenges, staff might brainstorm solutions to be put into place, such as setting realistic time lines for products, at the onset of the next project.

- UNIFEM could provide more explanation to partners in regard to the approval procedures and regarding items that were not approved to aid partners in their own financial planning and to help partners keep the project activities on track.
- Staff could be included more often in ‘bigger picture’ communication between Bangkok and Aceh which helps them see their roles and individual tasks in the broader light.
- More investment could be made in interpretation to ensure that communications regarding project activities were efficient.

### **Strategic use of converging principles**

The strategic project goal of raising awareness of the convergence and compatibility of Islam, CEDAW and customary law was effective overall and insofar as the training and awareness raising activities reached the people who needed to be influenced. Training on the CEDAW/Syariah interface had positive results at the legislative and organizational level but mixed results in communities. Partner organization interviewees mentioned that several issues affect communications with communities; these include the types of operating legal systems, as described in the background to this report. Training and awareness raising was successful particularly in regard to illustrating that these two bodies of law did not conflict and this has influenced the thinking of provincial and district authorities.

The converging principles strategy took into consideration the prominent role played by religion in Aceh, pride in Acehnese identity, and the widespread cultural prejudices that exist toward women and girls. The highlighting of and reference to Aceh’s best traditional practices, such as revering women heroes and leaders, and several partners used this strategy to promote and support gender mainstreaming initiatives. The benefits of this approach were thought to be numerous:

- Working to overcome scepticism and assumptions that the concept of gender equality and CEDAW are “western” products
- Addressing misinterpretations and enhancing understanding that religion, culture and local wisdom in Aceh uphold the principle of equality between men and women
- Building capacity within the government, civil society, academia, religious leaders and other prominent figures to acknowledge and be able to articulate the connections.

## **Project approaches**

The project did a good job of targeting and networking among various sectors such as government at provincial and district levels, law enforcement agencies, organized civil society, youth, academia, and the media. Some advantages and benefits of project approaches were as follows.

- **Networking with legislators and other public figures such as government officials and religious leaders paid off in efficiency and effectiveness.** UNIFEM has very good contacts with legislative institutions (legislators and their staff and their media centers) and UNIFEM received updates and information related to the dynamics of legislation processes in Aceh as well as data that supports the work such as copies of signed qanun, the agendas of legislative members, etc. By having this good relationship the legislature has listed UNIFEM as 'to be invited' for several meetings on Qanun through which UNIFEM could provide valuable inputs to the qanuns drafts.
- **Partnering with men and working with largely male networks helped to spread awareness** among prominent male dominated institutions (Ulama council and Syariah court) is also a good practice, as well as engaging potential male activists who can advocate on gender issues. Ulama have a prominent role in Acehnese life and can use their influence to disseminate principles of gender equality and non discrimination. Working with men who are concerned with gender issues will build awareness that gender issues are everybody's issues regardless of their gender.
- **Partnership with government, particularly steady support to the Women's Empowerment Agency (Badan PP & PA) is a critical and an effective way to strengthen government.** Because of UNIFEM's continuous support, the gap has been reduced between Badan PP and PA and CSOs and helped increase Badan PP and PA's visibility as a leading government institution in gender mainstreaming initiatives. This has also resulted in the strengthening of their institutional capacity and their visibility to attract donors to support their activities.
- **Using tact and skill in delivering gender equity messages has helped to keep relationships congenial rather than contentious.** UNIFEM has applied a cautious approach to delivering the 'gender message' through its programme activities and law advocacy. The term "gender equality" is not accepted by all stakeholders in the legislative process and some ideas are considered to be too westernized. Being sensitive to this and changing language accordingly has helped UNIFEM and its partners to be part of many important activities held by government, academia and religious groups.

- **A strategic approach to relationship development included collaboration and partnerships with a wide variety of stakeholders.** The strategic approach is illustrated through collaboration and partnerships with various stakeholders in many areas of advocacy: women ex-combatants (LINA); Syariah working group, journalists, young people and men (YICM), Syariah court and judges (PKH), law enforcers (LBH-APIK), academia and religious education institution (PUSHAM and PSW), legislators (MiSPI and Balai Syura) and policy makers (Badan PP). The broad variety of initiatives included:
  - Working with youth groups and media networks via YICM generated a good social dialogue on gender equality in media and the youth, especially among young men.
  - Working with DPRA members and including them as members of the drafting team was a good practice in formulating and getting the qanun passed on the Execution of Elections No. 07 of 2007.
  - Initiatives by individual level of UNIFEM staff members to participate in Aceh community initiatives strengthened the partnership and networks
  - Establishing alliances with related stakeholders (e.g., DPRA, MPU, Dinas Syariah, and Syariah Council) are strategic ways to support the integration of women’s needs in the policies and policy making processes.

Much was accomplished in the project’s two year time frame, however, partners thought that ultimately much greater coverage was required to create the critical awareness base needed. For example, training for judges carried out by PKH covered 32 judges out of 180 but it was thought important that eventually all should receive the training. Most interviewees felt that all members of the adult population should ultimately receive enough information so that the messages are inculcated. It is suggested that collaboration is important to maximize resources and that planning be strengthened among organizations, such as with IDLO which offers community-based training and awareness raising, to ensure greater coverage.

**Capacity development and awareness raising.** Capacity development activities consisted of a variety of training and awareness raising events and publications. Some were conducted by partners (e.g. training for legal professionals) and others by UNIFEM (e.g. TOTs). CEDAW-Islam training aimed to build capacity of participants so that they could train others. Twenty-five participants began the training and 18 graduated. Training was considered important to give “spirit and knowledge” for the participants. Debate contests held by LBH APIK and Balai Syura

were very popular. Refresher courses were held and also Training of Trainers courses. It was thought that training needed to be followed-up through meetings with the judges to discuss ways that they had incorporated it and more emphasis should be placed on training district judges as they were more conservative. Partners would have ideally liked to pass more of the training on to other organizations but this proved to be difficult to do on their own due to shortages of funds and staff. UNIFEM has supported follow-on training on gender and Islam, still it is suggested that an assessment would be useful to determine which partners have the capacity to conduct training and which ones may require additional support to do so.

The need to expand the pool of resource persons was mentioned by several partners as some had difficulty in locating resource persons for training or other activities when they were required. Foreseeing this need, UNIFEM included the aim to increase the pool of resource person in Aceh as an indicator under Outcome 1 of the project. The number of resource persons available now is significantly larger than at the beginning of the project. (Indicator 1.5. Baseline was 15 trainers on gender issues, now the approximate number is 35 people available to train on gender issues.)

**Knowledge generation and dissemination.** The performance indicators relating to knowledge generation included the perceived utility of research studies generated on relatively unexplored areas and the quality of responses from target stakeholders on use and benefits of knowledge products. Products of the project included a research study published by PUSHAM and three teaching book texts (drafts) on Fiqh, Tafsir and Islam history from a gender equality perspective, prepared by PSW IAIN. These publications have been recently launched so there has not been adequate time to follow them up as to their use and benefits. For example PUSHAM would like to know whether the set of recommendations from its book has influenced the qanun development process. It was suggested that effect of these recommendations be followed up by UNIFEM and the other partners. PSW IAIN had received initial feedback on the text books.

Additionally LBH produced books on compilation of law related to women's and children's rights, PKH IAIN developed sermons on marriage and guide books for judges on violence against women, Balai Syura developed a research paper on converging gender equality principles in Islam, local customs and CEDAW. In order to disseminate information widely to partners and other development practitioners, UNIFEM initiated a series of discussion papers that cover topics such as women's political participation; and CEDAW, Islam and Violence Against Women. UNIFEM has also produced the "What Is?" series which explains in user-friendly ways gender

equality concepts and issues. E-news Qanun & Aceh is an electronic newsletter that provides information on the qanun making process in English and Bahasa Indonesia. These knowledge products are distributed widely to partners and stakeholders, and made available at all public events and in the UNIFEM office.

The project attracted many creative options. For example, UNIFEM is the supporting partner for the UNORC-based Gender Community of Practice in the Solution Exchange Aceh and Nias. A moderator and a research assistant who are supported by UNIFEM manages the Gender Community of Practice, which posts queries about gender in Aceh to the community via email and solicits responses from the community. One such query sought experiences from members of the community (mainly of staff from government, assistance agencies and Indonesian as well as international NGOs), on ways to improve gender responsive public facilities for women that could be used to inform the finalizations of the Women's Empowerment Qanun. The replies are then consolidated by the moderator and distributed to the community. This is an excellent means to share and compile lessons and experiences, although it is unclear to what extent UNIFEM's partners used the information in their work. UNIFEM will be undertaking an online survey to measure impact of the Gender COP during the latter half of this year. Part of the moderator's role is to facilitate "face to face" contact with the online community while also encouraging members of the offline community to join the COP and participate.

There are many publications produced by UNIFEM and its partners, and UNIFEM has had to reprint almost all publication due to high demand/request for them. The high demand for the publications is thought to be a sign of their utility. They are distributed at public events, available in the office and delivered to partners by UNIFEM staff. Interviewees suggested that more publications should be disseminated at the end of a workshop. Examples of publications are as follows.

**Qanun & Aceh.** The quarterly E-newsletter "Qanun & Aceh" provides up to date information on news relating to gender equality and legal reform in Aceh. It is available in Bahasa Indonesia and English, is emailed to subscribers and is available online.

**Discussion paper series.** UNIFEM encouraged partners to write an essay on a relevant topic to be printed and distributed to the community. Topics in the series include "Islam, CEDAW and Women's Rights" and "Women's Political Participation." Five UNIFEM partners are in the process of writing discussion papers to add to the collection.



**Islamic Teaching Handbooks.** The Women's Study Centre (PSW) IAIN Ar-Raniry produced three Islamic teaching handbooks with a gender perspective. Twelve academics from IAIN wrote the teaching handbooks text books on the topics of *fiqh* (Islamic jurisprudence), *Tafsir* (interpretation of Qu'ran or Hadith texts), and Islamic history.

**Sermon booklet.** As part of PKH IAIN Ar-Raniry's training for Syariah Court Judges, they developed a book of ten sermons on the duties and rights of marriage from a gender perspective for the Syariah Court Judges to use on Friday sermons. The books were also distributed to ulamas and mosque libraries around Aceh, and to the Religious Affairs Office (KUA).

**Guide book for judges on Family Law, Domestic Violence and CEDAW.** PKH IAIN developed a guide book for judges on Family Law, Domestic Violence and CEDAW for judges to refer to when presiding over cases. This book is an additional resource for judges who currently use a handbook of the Compilation of Legislative Regulations within the Religious Court, which does not contain information on either Family Law, The National Domestic Violence Law, or CEDAW. The guidebook has also been distributed to students of the Syariah and Law Faculties. PKH IAIN will also continue to review the decisions of Syariah Court judges periodically to ascertain whether the guidebooks are being utilised.

**Research on the Principles of Gender Equality, Justice and Non-Discrimination in the Processes of Qanun-Making in Aceh.** PUSHAM conducted research to analyze the process of drafting three qanuns (Qanun on Education, Qanun on Compilation of Jinayat Laws, and Qanun on Public Service). The research analysed whether the process applied the principles of equality before the law in formulation, discussion and substance, whether the qanun-making process included gender equality, justice/equity, non-discrimination, and the fulfilment of women's rights by looking at the women's participation in qanun-making process. The research also analysed the contribution made by women in all stages in qanun-making process.

**Research on convergence of CEDAW with Positive Law, Islamic Law and Aceh Customary Law.** Balai Syura conducted research on the convergence of CEDAW with Positive law, Islamic Law and Aceh Customary law. The aim of the research was to develop socialisation materials and to gather material for qanun drafting. The draft results have been shared with participants of

CEDAW socialisation activities facilitated by Balai Syura, LBH APIK and Badan PP and PA and were also shared with UNIFEM partners at the CEDAW Refresher course in early 2009.

**EVAW reference booklet for law enforcement officers.** LBH-APIK produced an easy reference for law enforcers on laws relating to women's and children's rights, including Law no. 23/2002 on Protection of Children; Law no. 23/2004 on Elimination of Domestic Violence; Law no. 12/2006 on Citizenship; and Law no. 21/2007 on Elimination of Human Trafficking. Booklets have been distributed to provincial law enforcement institutions in Lhokseumawe and North Aceh, LBH's partner organizations, and women NGOs.

**Conference Papers** from Regional Conference on Advancing Gender Equality and Women's Empowerment in Muslim Societies have been made available for download on the UNIFEM website and are being distributed widely.

**CEDAW Legislative Indicators (CLI) for State Islamic Laws.** The findings of the research are being prepared for publication to be distributed widely in Aceh to all stakeholders and to support the ongoing advocacy into the qanun-making process and other processes towards gender-responsive governance.

**Popularizing CEDAW.** Balai Syura developed CEDAW socialization materials including a comic series on reproductive health, t-shirts with slogans about education for women, stickers, and leaflets on the women's political agenda for 2009

**Fasting Calendars.** Balai Syura prepared and distributed to four regions fasting calendars for Ramadan that included passages from the Qur'an supporting equality and justice.

### **Unplanned positive results**

There were many positive unexpected results to which the project contributed and there is evidence of value added. Some are mentioned here.<sup>9</sup>

- Engendering of the Aceh Recovery Framework of 2008 – 2011
- Establishment of gender equality forums, including forum of gender sensitive journalists, and forum of men supporting women's right which is led by male gender advocates within the provincial government

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<sup>9</sup> UNIFEM's Final Report to CIDA, July 2009, pages 38-39.

- Spontaneous requests to both UNIFEM and its partners for inputs to qanun-drafting processed at both provincial and district levels. Partners are being engaged not only as “gender advocates” but as skilled drafters and reviewers.
- To engender the Aceh Recovery Framework which was conceived of in late 2007, UNIFEM and selected partners are seated on the Gender Working Team, which has been tasked with ensuring that gender is adequately included as a cross cutting issue in the ARF and monitoring the process of implementation.
- After the Bureau of Women’s Empowerment was upgraded to an Agency, UNIFEM has taken the opportunity to work closely with the restructured organisation, which has led to further funding for the Agency to develop a strategic plan and facilitate the collection and publication of sex-disaggregated data and gender profiles for Aceh Province and Banda Aceh city. Badan PP and PA’s relationships with other government agencies, the CSO community and the UN system has grown exponentially as a result of its open and reciprocal relationship with UNIFEM.
- By working to strengthen the capacity and leadership of advocates and institutions, Strengthening Women’s Legal Rights Project has contributed to UNIFEM’s work in Aceh in many ways. The Gender Advisor for BRR has been able to capitalise on strengthened collaboration with CSOs and especially the Badan PP and PA. Stemming from UNIFEM and partner involvement in the ARF and with Badan PP and PA, extensive revitalisation of gender focal points in each district office is being undertaken, the existing P2TP2 gender equality principles are being integrated into pesantren curriculum.
- Through linkages with other projects and provision of technical assistance UNIFEM has supported partners to expand their own programmes through additional funding. Through the Aceh Government Transformation Programme (AGTP), UNIFEM facilitated the process of Badan PP and PA’s inclusion in Satuan Kerja Pemerintahan Aceh (SKPA) which will serve as an extra funding stream for the Agency to develop a Gender Policy, gender responsive budgeting and other initiatives.
- Furthermore, UNIFEM’s gender advisor to the BRR is facilitating the development of a gender expert team that will be engaged to mainstream gender into policies, plans and programmes for Aceh. Discussions are taking place amongst CSO and academic leaders in the community.

A powerful means to advocate for change and assess progress toward strengthening justice systems is to analyze and publicize a case example. The following legal case, provided by UNIFEM's partner LBH APIK in Lhokseumawe, Aceh Utara district, an organization providing legal aid, serves to illustrate that judges may be using stricter sentencing in cases of domestic violence and that women are asserting their rights. LBH APIK worked on CEDAW socialization for law enforcers supported by UNIFEM.

A 37 year old man was accused of sexually abusing his seven year old step daughter. The defendant reportedly committed violence against his wife, the girl's mother, which made the girl fear her step father. LBH APIK faced a number of challenges in supporting the case. The role of the LBH advocate was difficult to communicate to the public prosecutor, and it was hard to cooperate on integrating the Child Protection Law and Domestic Violence Law in the charges against the perpetrator. The investigation process was poorly conducted and the public prosecutor often changed the court schedule without coordination with LBH APIK.

LBH APIK held a workshop and debate contest for law enforcement staff with high ranking staff from law enforcement institutions acting as resource persons. The debate was broadcast live on local radio in order to reach the communities. The result of the exercise was as follows.

- Prosecutors and judges increased their understanding of the importance of using the expertise of LBH APIK to refer to the Domestic Violence and Child Protection laws and use their guidance as a basis on which to file the charges and make decisions in the court. For example, the maximum sentence for the subject crime is imprisonment for 11 years based on the Child Protection Law.
- The victim and her family felt more comfortable in dealing with the legal apparatus during the court process.

**The defendant was sentenced to the maximum number of years in prison.** The community provided strong support for the victim and her mother and helped them to regain their self-confidence. The victim's mother had the courage to file for divorce from her husband. The maximum sentencing against the perpetrator has also become a lesson-learned for the whole community, recognizing that cases of sexual violence against women and girls constitute a crime against humanity and require support from the community to encourage the victims and their families to seek justice.

### **3.3 Relevance – Alignment with provincial priorities and response to context**

The projects are assessed against the following criteria:

- How relevant was the design of the project for the Aceh situation - in terms of alignment with priorities and needs of the province?
- How flexibly did the project respond to needs and changing developments within the province?
- Based on UNIFEM's mandate and comparative advantage, how did the project select and prioritize qanuns for engendering? With what results?

### **3.3.1 Relevance of design**

The project was relevant for numerous reasons. First, it was particularly timely given the opportunities presented by the passage of the Law on Governing Aceh, subsequent legal reform and development of the qanuns and the Law on Domestic Violence. The project draws on UNIFEM's experience with CEDAW/Syariah linkages in other countries and regions, notably Malaysia, South Africa and Morocco, and lessons from earlier Aceh experience. The project builds on the recommendations set forth in the 2005 2<sup>nd</sup> All Achenese Women's Congress and effectively connects with the reconstruction activities of the BRR.

The project design is securely nestled within the Aceh government strategies and UNIFEM's regional strategies. In response to the Multi-sectoral Gender Needs Assessment and Situational Analysis<sup>10</sup>, a larger program was developed with 4 components: 1. women's economic rights and security; 2. women's legal rights (the subject project); 3. women's political participation; and 4. violence against women. The relatively recent events of the tsunami disaster and ending of a prolonged war have not been fully considered by UNIFEM and other organizations as the fast paced development of the government takes precedence. Neglect of these aspects in regard to the healing of society may undermine political gains. In response to requests from women's groups to deal with these issues and concerns, UNIFEM has developed a proposed programme on gender and peace building in Aceh to respond to the needs of engendering post-conflict reintegration.

UNIFEM's programmatic strategy in Aceh which reflects the agreement with CIDA is mainly within the bounds of the formal justice sector. Given its broader mandate to address all types of justice systems, UNIFEM might consider in the future investing proportionately in customary institutions and local mediators where many decisions regarding women's rights are made. Further, given the success of the socialization and training and need for more coverage and depth, these activities might be expanded and designed appropriately for each type of target group. For

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<sup>10</sup> Conducted at the end of 2005 by UNIFEM, the Aceh Institute and Syiah Kuala University

example, more coverage might be attained targeting illiterate and ex-combatant women through mixing the CEDAW and SCR 1325 messages with trauma healing, as was successfully done in one district, and addressing the problems of unregistered marriage. The project with the Law Centre to use the CEDAW-Islam framework to train Syariah judges was a good example and could be expanded. A greater multiplier effect might be seen by working to incorporate CEDAW training into curricula for law schools and law enforcement training centers as well as supporting women's studies in universities.

### **3.3.2 Project flexibility**

Changes made to activities which responded to changes in context were supported by the Aceh project office and are a normal course of events in most projects. Several changes were made in project design which indicated responsiveness to partners concerns, including selection by PUSHAM of a different qanun for research as the draft of the Qanun on Health was too unclear so it was replaced by a draft of the Qanun on Public Services. Besides the change of component of activities, the project flexibility could also be seen in the change of budget allocation across activities, which has often happened with most of partners and for the most part has helped partners in improvising project due to unforeseen challenges. Several additions were made to project activities in the course of the project which reflected partner's strengths and which were deemed to have a high potential for success. The project staff responded as flexibly as possible given the limitations described under the project management section. The partners' workshop in July of 2008 helped to vet issues and encouraged partners to extend the vision of the project as opportunities arose.

### **3.3.3 Prioritization of the Qanuns for engendering**

There was a general understanding that the qanuns that were selected for focus by the project were chosen due to their high level of relevance to support the rights of women and the need for gender equality perspectives in some qanuns that caused them to be prioritized. There was nevertheless some confusion as to how the choices were made, some partners favored certain qanuns over others, indicating the need for promotion of greater coordination by UNIFEM. This may be partly the reason for weak advocacy which was observed on the part of some partners, particularly YICM which was selected by the Bureau of Law to facilitate public discussions with lawmakers on the Qanun on Compilation of Jinayah Laws (formerly called the Qanun Syariah), as this qanun was very sensitive and political. More preparation and strategizing among the

women's networks and partners as to how this qanun should be approached might have contributed to more effective efforts.

The reasons for selecting the Women's Empowerment Qanun are clear since it is the centerpiece of law for women's rights in Aceh. The Women's Empowerment qanun is still in process and an alternate draft which contains gender equality principles, including definition of discrimination, substantive equality and temporary special measures drafted by UNIFEM partners has been advocated with local legislators. Progress was made in several fronts, the Qanun on Execution of Elections was passed and connections to legislators were strengthened to allow the partners to keep their fingers on the pulse beat of the legislation process. Balai Syura reported being in phone contact with legislators who had questions on wording.

It must be accepted that influencing legislative processes particularly with a relatively new government is a tedious and day to day undertaking and requires stamina rather than speed. Progress has been slow in achieving passage of the targeted qanuns and acceptance of gender sensitive language. PUSHAM's work in assessing the process of qanun development is important and indicates that a much larger number of advocates are needed to make an impact. (See box below for general results and recommendations.) PUSHAM looked at the Qanuns on Education, Public Service and Compilation of Jinayah (Criminal) Law.

Efforts centering on qanun development meet with obstacles at the level of interaction with legislators, such as difficulties in entering the discussions, perhaps due to weak precedence of use of discussion in Aceh, and sensitivities over language and women's issues. If a qanun is initiated by the executive, the Law Bureau and DPRA have extensive control over the draft. The challenges this presents and the chance of gender sensitive articles being lost in the process of the draft being reviewed in the DPRA is factored into advocacy efforts by partners. Strategies include: personal approach, strengthening network with both executive and legislative working on the qanun making process, monitoring and guiding the process until implementation phase. Interviewees cited the following lessons:

It was thought by interviewees that policy and law makers need to have a certain degree of gender sensitivity to promote the needed policy changes. Although political circumstances also have an effect and may be beyond influence, additional layers of training and awareness raising could be helpful to change their behaviours and mindsets. This training should include women as well as

men. There are conservative women who believe in the repression of women or do not understand the gender issues. In some cases, judges who did not receive training may not have the needed attitudes. The transfer of gender sensitivity (through trained people) can not be relied upon to be effective.

**Excerpt from “Research Analysis on Public Policy”**

***Centre For Human Rights Studies (PUSHAM), Published in 2009***

PUSHAM conducted research for the CIDA-funded UNIFEM project to analyze the process of drafting of three qanuns (Education, Compilation of Jinayah law, and Public Service). The following aspects were analysed:(1) whether the process applied the principles of equality before the law in formulation, discussion and substance, and (2) whether the qanun-making process included gender equality, justice/equity, non-discrimination, and the fulfillment of women’s rights. In addition, this research also analyses the contribution made by women in all stages in qanun making process.

**General Conclusions**

- The participation of women and gender equality advocates in qanun formulation process is still small in numbers. Even though access is widely opened for women during the process, they have little control over the result
- The substance of qanun making is progressive, but there is not awareness enough to reflect gender equality, justice and non-discrimination principles. This can be seen through the substance which is still discriminative and gender biased. There is hardly found clear affirmative action stated in the formulation process in order to seek for justice for women.

**Recommendations**

1. Each qanun should include Affirmative Action in order to assure groups of women, particularly marginalized women have opportunity to access facilities, services and equal treatment in education, public services, and in court system dealing with Jinayah cases.
2. Women’s and gender advocates’ (both women and men) participation (in quantity or quality) should be definitely maintained in the process of qanun formulation and drafting. By doing so, women’s rights and interest will be comprehensively integrated within the substance of qanun.
3. Each qanun should include principles of non-discrimination, equality, justice, gender sensitivity, and equality of rights as the consequence of CEDAW ratification by the central government.



4. Public Hearing Session on draft qanun should maintain a good quorum of participants in order to gain greater inputs to the substance.

### **3.4 Sustainability – Partnership collaboration and capacities**

The project is assessed against the following criteria:

- Are the project results sustainable?
- Were risk factors and risk mitigation strategies identified during project formulation?
- Were partnership choices appropriate for greater sustainability of the project?
- What mechanisms has the project developed to ensure that systems and capacities for integrating gender equality principles into legal reform are institutionalized?
- What other factors contribute to or constrain sustainability?
- Is there evidence of interest or concrete plans for upscaling or replication of successful experiences?

#### **3.4.1 Overall sustainability, constraining and facilitating factors**

There are mixed perspectives on sustainability with considerable optimism in terms of the ability of individuals and institutions to pursue objectives for integration of gender equality (although for some this is not a workable concept), but rather women's rights. There is also considerable angst that a stronger foothold needs to be developed in terms of how to approach legislators at the provincial levels and work effectively in the public hearings and to affect deep rooted attitudes which work against women's rights in the districts and communities. Some partners reported that their relationships with legislators have been strengthened and their efforts to develop the qanuns have resulted in recognition and better communications. On the other hand, some relationships are seen as tenuous in the political context.

Some of the partners worry that after all of their efforts to develop relationships with the legislators, the stoppage of funds and support will result in dropping these relationships and thus the pressures on the legislators. UNIFEM's work was targeted to Banda Aceh and two districts outside of Banda Aceh were included to promote socialization. The other districts (20) are in need of similar coverage for training and awareness raising. The judges change approximately every 2-3 years and require training and hopefully with the expanding reach of the TOT, more coverage will be achieved.

**Identification of risk factors.** The contextual risk factors were fairly well identified in the Project Implementation Plan and the overall project logframe. The Risk Management Framework in the Project Implementation Plan of July 2007 mentions several risk management strategies which aided the implementation of the project. One was close consultation with government agencies to counter possible delays in relation to gender responsiveness of qanuns. UNIFEM sought to reduce risk of delays in implementation by putting in place UNIFEM focal points for every project to provide technical assistance as well as to monitor progress of these projects. Other suggested risk management strategies are a greater integration of activities, stronger monitoring by partners of their own activities and ensuring that they have the capacity to undertake these activities and means to bolster them when they are not able to produce the desired results.

**Partnership choices.** With an understanding of the complexities involved in partner selection and the need to weigh strengths and weaknesses, it is suggested that partners take on longer contracts of at least a year to promote timely completion of all activities and greater sustainability of results. Capacity building of all partners is expected to be largely sustainable and has had multiplier effects for women's rights. Capacity development with partners could be seen throughout project activities, informal informative dialogues and monitoring and reporting processes have helped to improve the overall performance of partners. Those efforts have also created greater interest by partner staff on gender issues. Their increased knowledge and skills in gender have also improved their activities outside the project and have attracted other organizations/donors to collaborate with them or their organizations.

More capacity development, however, was needed. The project did not aim to train all staff of partner agencies. It is suggested that all staff receive training by UNIFEM or by the trained staff members as some partner agency staff noted that having one or two trained persons was not sufficient. Capacity building for partners needs to be very comprehensive and in-depth, particularly in the following aspects, and preferably at the onset of the project.

- **Results based planning and management.** Comprehensive capacity building for partners in terms of managing a results based program was needed. All aspects of RBM should be firmly grasped by the partners as some did not have significant experience with them. Partners should be able to tie their contributions as shown on their LFAs to the project LFA.
- **Report writing.** (See larger discussion under management.)

- **Administration by Partners.** Some partners needed more skills to be able to handle complex procedures of project budgeting and reporting.
- **Gender mainstreaming training.** Although considerable training was carried out for gender sensitization and legal drafting, not all partner staff participated and some did not understand basic gender concepts and how to implement mainstreaming of gender, and carrying out gender analysis in law making process, etc.

**Capacity for legal reform.** Capacities for legal reform improved throughout the project. There are numerous working groups and networks such as the JPUK led by MiSPI, that ensure that capacities continue to be cultivated. Many of these have been initiated and developed through the partners. Some inputs may contribute in the long term and should be evaluated for their value. For example, while study tours are expensive and their costs might be questioned relative to the needs, the result for those who participated indicate that a long term impact is positive especially for the government staff, such as the Women’s Empowerment and Child Protection Agency (Baden PP and PA), who are key players in affecting attitudes of decision makers. Government staff indicated that the study tours had opened their minds to applications of gender and Islam in other countries as well as programs that can be implemented within the context of Aceh and they will try to foster changes in Aceh using the models they have learned about. Examples of site visits on the study tours included a Syariah Court in Malaysia; the Truth and Reconciliation Commission in South Africa; and in Morocco, participants met with members of the Royal Commission for Family Code Reform. Information and ideas gathered on the study tours is being used in advocacy and policy making in Aceh to strengthen women’s legal rights.

In order to infiltrate the justice system with the need to incorporate relevant laws in decisions, champions of the concepts of CEDAW might be cultivated and these may be males, such as judges and prosecutors, who are entrusted with implementation of the laws. This process has been started by UNIFEM through fostering a group of male advocates who have been trained in CEDAW and Islam. Selection and support for judges who are willing to be trainers may help to enhance application in daily court proceedings. A judge in the Syariah court interviewed for this evaluation felt that some judges would be good trainers and would incorporate participatory methods to discuss incorporation of CEDAW and domestic law in relevant cases.

**Evidence of interest in upscaling or replication of successful experiences.** There is considerable interest by partners and by other organizations such as IDLO in working with

UNIFEM especially in creating a masterplan where all organizations see their role in relation to each other's and in meeting the needs of women in all aspects, political, social and economic, in a prioritized manner for short, medium and long term impacts. Partners are convinced of the value of the socialization and training processes having seen how successful they can be in furthering women's rights and the damage that can be done when people are not aware of the laws and women's rights.

UNIFEM should expand its donor base and work toward leveraging additional resources for its partners. Those partners who do not have the benefit of multi-donor support may backslide if their activities to support gender equality are not given support. UNIFEM has promoted funding for partners through informing other donors of partners' work and engaging them in donor's events. Calls for proposals have been forwarded to partners and technical assistance offered. UNIFEM has assisted Badan PP & PA to obtain substantial amount of funding from a UNDP programme to mainstream gender. For some partners, additional efforts may be necessary, such as LINA with its strong community connections.

## 4 Summary of Good Practices and Lessons

*This section of the report documents lessons and good practices.*

### Good Practices

- 1. The strategic project goal of raising awareness of the convergence and compatibility of Islam, CEDAW and customary law was extremely effective.** This strategy took into consideration the prominent role played by religion in Aceh, pride in Acehese identity, and the widespread cultural prejudices that exist toward women and girls. The benefits of this approach were thought to be numerous:
  - Working to overcome scepticism and assumptions that the concept of gender equality and CEDAW are “Western” products
  - Addressing misinterpretations and enhancing understanding that religion, culture and local wisdom in Aceh uphold the principle of equality between men and women
  - Building capacity within the government, civil society, academia, religious leaders and other prominent figures to acknowledge and be able to articulate the connections
- 2. Capacity building of partners has had multiplier effects for women’s rights.** UNIFEM’s capacity development with partners through project activities, informal informative dialogues and monitoring and reporting processes have helped to improve the overall performance of partners. Those efforts have also created greater interest by partner staff on gender issues. Their increased knowledge and skills in gender have also improved their activities outside the project and have attracted other organizations/donors to collaborate with them or their organizations.
- 3. Networking with legislators and other public figures such as government officials and religious leaders paid off in efficiency and effectiveness.** UNIFEM has very good contacts with legislative institutions (legislators and their staff and their media centers) and UNIFEM could easily receive updates and information related to the dynamics of legislation processes in Aceh as well as data that supports the work such as copies of signed qanun, the agendas of legislative members, etc. By having this good relationship the legislative has listed UNIFEM as ‘to be invited’ for several meetings on qanun through which UNIFEM could provide valuable inputs to the qanuns drafts.

- 4. Partnering with men and working with largely male networks helped to spread awareness.** Alliance and engage with strategic male dominated institutions (Ulama council and Syariah court) is also a good practice, as well as engaging potential male activists who can advocate on gender issues. Ulama have a prominent role in Acehese life and can use their influence to disseminate principles of equality and non discrimination. Working with men who are concerned with gender issues will build awareness that gender and women issues are everybody's issues regardless of their sexes. In addition to this, UNIFEM is facilitating establishment of a network of Men supporting women's rights in Aceh. This network will include those men who are concern and aware on women issues. The members have various different backgrounds ranging from activist, government workers, journalist, ulama, academia, etc. In collaboration with Badan PP, UNIFEM will declare/launch this network to public in near future.
- 5. Partnership with government, particularly steady support to the Women's Empowerment Agency (Badan Pemberdayaan Perempuan dan Perlindungan Anak) is critical and an effective way to strengthen government.** Because of UNIFEM's continuous support, the gap has been reduced between Badan PP and PA and CSOs and helped increase Badan PP and PA's visibility as a leading government institution in gender mainstreaming initiatives. This has also resulted in the strengthening of their institutional capacity and their visibility to attract donors to support their activities.
- 6. Using skill and tact in delivering gender equity messages has helped to keep relationships congenial rather than contentious.** UNIFEM has been very tactful in delivering the 'gender message' through its programme activities and law advocacy. The term "gender equality" is not accepted by all stakeholders in the legislative process and some ideas are considered to be too westernized. This has helped UNIFEM to be part of many important activities held by government, academia and religious groups. Awareness of and sensitivity towards political interests, religion and customs in Aceh is of utmost importance. This is the case with gender advocacy in Aceh in general and in the Qanun making process particularly.
- 7. A strategic approach to relationship development included collaboration and partnerships with a wide variety of stakeholders.** UNIFEM uses a strategic approach to areas of work and partners which is illustrated in collaboration and partnerships with various

stakeholders in various areas of advocacy. For example, these include: women ex-combatants (LINA); Syariah working group, journalists, young people and men (YICM), Syariah court and judges (Pusat Klinik Hukum), law enforcement (LBH-APIK), academia and religious education institution (PUSHAM and PSW), etc. The broad variety of initiatives included:

- Working with youth groups and media networks via YICM generated a good social dialogue on gender equality in media and the youth, especially among young men.
- Working with DPRA members and including them as members of the drafting team was a good practice in formulating and getting the qanun on the Execution of Elections No. 07 of 2007, passed.
- Initiatives by individual level of UNIFEM staff members, e.g. Toni, to participate in Aceh community initiatives strengthened the partnership and networks, e.g., 16 days activism, international women's day
- Active participation and contribution to Gender Working Groups (GWG) in Aceh. UNIFEM's participation started from the forming of this working group on 2005, several contributions that can be highlighted are: Acting as moderator of gender working groups mailing list, providing technical inputs to GWG agendas such as in commemoration of International Women Day in Aceh (2006, 2007, 2008 and 2009), proposed and worked with other GWG members to develop evaluation of women's situation in 2006.
- Establishing alliances with related stakeholders (e.g., DPRA, MPU, Dinas Syariah, and Syariah Council) are considered strategic ways to support the integration of women's needs in the policies and policy making processes.

- 8. Holding a Partners Coordination Workshop helped to strengthen partnerships and collaboration among and between implementing partners.** This exercise was important for building trust with partners so they are more open to talk about difficulties and be more proactive in regularly reporting the progress of the project. It was also important to look at gaps between partners and key stakeholders (e.g. government officials, religious leaders, and academia) –and how together UNIFEM and partners could address the gaps.
- 9. Highlighting and reference to Aceh's best traditional practices,** such as the women heroes and leaders, has been useful as an advocacy tool since society is very proud of their Acehnese identity –partners used this strategy to promote and support gender mainstreaming initiatives.

**10. Conducting TOTs and CEDAW refresher sessions helped to strengthen awareness raising and to reach more people.**

CEDAW and Islam Training Series, a four part series of training workshops on the convergence between CEDAW and Islam for core partners focusing on the foundations of CEDAW, practical application of CEDAW, and the convergence of CEDAW and Islam in the specific context of Aceh. A fourth day-long training workshop was held in late 2008 as a refresher course to solidify knowledge from the training.

Legal drafting training was held for advocates critically engaged in the qanun-drafting process. The training focused on improving legal drafting skills, incorporating gender equality perspectives into legislation, and improving comprehension of legislation monitoring processes. This two part training programme demonstrated immediate results and the quality of the draft Qanun on Women's Empowerment and Protection of Women's Rights improved significantly.

**11. Responding to the many challenges regarding difficulties in access to legislators and delays in meetings, getting people to attend the training, requires time and strategizing.**

Some helpful actions included focusing on coordination with parties that could help in liaising with the law enforcement institutions and contact persons who could arrange appointment for the audience with all institutions. The contact persons also assisted in getting approval of the activities by the Heads of each law enforcement institution.

**Challenges and Lessons Learned**

The following are lessons communicated by interviewees many of whom worked on project activities for the entire two years.

***Qanun Development and Policy Changes***

Policy makers need a certain degree of gender sensitivity to be receptive to UNIFEM's message and to promote the needed policy changes. Individuals who are gender sensitive can be helpful in promoting project objectives. Others may require more exposure to gender sensitive discussion.

Careful monitoring of the drafting process for the qanun is necessary so that desired gender sensitive language is retained. It can be lost or diluted through various revisions in the process.



### ***Coordination for Training and Meetings***

Time should be allowed and planned to carry out the necessary communications with the public figures, such as DPRA members, who are very busy.

Planning is important to locate and utilize the needed resource persons who conduct advocacy activities, and for training and discussion groups.

### ***Strategic Planning***

Community assessments and partner self assessment would be useful to promote a broad range of options for targeting programme activities.

Final logframes approved by UNIFEM need to be translated back into Bahasa so that they can be referenced by all partner staff throughout the project.

Monitoring systems set out in a separate and detailed M&E plan would be helpful to describe the roles of all stakeholders and procedures for data collection.

### ***Administration of the Project by UNIFEM***

To avoid delays in payments, some partners need support and capacity development, to help them submit timely and well written proposals and reports that meet with UNIFEM's approval.

**Creating a supportive environment for using and enhancing UNIFEM staff capacities** will help them to support partners more effectively and carry out their roles.

An orientation package would be helpful for all UNIFEM staff on aspects of project handling, financial rules and human resource policies to be distributed upon recruitment to communicate vital information for project functioning.

### ***Capacity Building for Partners***

Capacity building in project concepts is important for all relevant staff of the partner agency, rather than one or two key persons, whether conducted by UNIFEM, other agencies or trained staff of the partner agency. Capacity building, including training, mentoring or experience sharing, for example, is best done at the onset of the project.

*Information and Communication Strategy*

It would be useful to have more publications distributed at the end of a workshop.

## 5 Recommendations

1. **Expand project activities to reach more districts and legal service providers, enhancing linkages to other initiatives for legal reform and women's rights.** In order to ensure the preservation of gains made and in view of the fragile political climate, the project design should be strengthened and expanded to allow sustained efforts, including consideration of the following.
  - a. Enhancing linkages to other initiatives for legal reform and women's rights.
  - b. Contributing to support for development of a master plan for women's rights, prioritization of needs and coverage of the population for short to long term in all aspects.
  - c. Seeking greater and broader government and donor support for future work and for the work of partners and position UNIFEM even more strategically as a key planner among the organizations working on women's rights issues, building strong connections between practitioners and academics as well as with goals of development instruments such as the MDGs. Through UNIFEM's or the work of others, the following is suggested.
    - Extend focus on community level gains for fair treatment of women, including influencing the customary system of law, local law enforcement and empowering women holistically.
    - Extend more project activities to the districts working with partners in more areas to allow the collection of information for assessment and feedback on the province-wide impact of work being done in larger urban centers.
    - Contribute support for a multi-agency needs assessment or analysis of needs based on feedback from women and cases involving women in all forms of justice/legal systems
    - Seek more champions who may be male legislators, judges and prosecutors to conduct training and pursue a preventive approach targeting law schools, law enforcement training centers and women's studies
    - Increase efforts to gender sensitize policy makers and legislators so that a critical mass or the majority of them have this awareness. This will provide fertile ground for the qanun engendering process.

2. **Provide longer term contracts for partners to enable sustainable progress.** UNIFEM has tried to extend partner contracts to at least a year and this should become standard practice to promote continuity of project activities.
3. **Further strengthen training and guidance on Results Based Management, proposal writing and reporting, and develop an M&E plan.**
  - Ensure more partner and staff time for this activity to avoid delays in getting project approval and transfer of funds.
  - Ensure that UNIFEM in Aceh and ESEARO has adequate human and material resources to work effectively on the project, for consultation, monitoring, and partner support.
  - Ensure follow up by the partners to monitor outcomes and impacts of project activities. Some activities of the project were completed recently and for some activities it was too early to measure the outcomes and impacts. Partners should put into place, if they have not already, a system to collect data on, for example, behaviour changes and attitudes.
4. **Invest strategically in partner and staff capacity development based on an assessment of needs.** Partner and staff self assessments can help to determine which skills require strengthening and the preferred mode of capacity development, such as formal training, coaching, mentoring, etc.
5. **Enhance the project strategy through community-based and communications assessments.**
  - Improve legal training by: mapping the learning relative to needs for judges, extending training to more judges; seeking other sources for resource persons through TOTs such as Syariah judges and law faculty members. Pursue joint training for customary, Syariah and positive law practitioners, and ensure regular follow-up with judges and prosecutors.
  - Improve advocacy by, among others: Use of legal aid cases to illustrate issues; More support for media monitoring groups; A publication that provides guidance to judges and legal advisors on the Domestic Violence Law (already in process).
  - Invest strategically more in partner capacity development based on an assessment of needs and include a larger number of partner staff in trainings and meetings.
  - Employ a more strategic and informed approach to promote the qanun development and lobbying efforts based on a structured assessment resulting in a clear vision on how to proceed by the partners, adequate preparation, as well as good coordination with others doing similar work.

## *Annex 1 - Persons Consulted*

### **UNIFEM**

Iriantoni Almuna, Programme Officer, Project Office Aceh  
Inda Avrini, Administrative Officer, Project Office Aceh  
Shamila Daluwatte, Gender Specialist, Project Office Aceh  
Jean D’Cunha, Regional Programme Manager, UNIFEM’s East and Southeast Asia Regional Office in Bangkok  
Sri Husnaini Sofjan, Programme Manager, Project Office Aceh  
Ita Fatia Nadia, Gender Technical Advisor to BRR, Aceh and Nias  
Furqan, Interpreter, Project Office Aceh  
Gemala Randi Puti Seruni, Programme Officer, Project Office Aceh  
Janet Wong, Programme Specialist, UNIFEM’s East and Southeast Asia Regional Office in Bangkok

### **Partner Organizations**

Balai Syura Ureung Inong Aceh: Nursiti Amin (Secretary General)  
Badan Pemberdayaan Perempuan dan Perlindungan Anak (Badan PP): Raihan Putry (Head of Agency) and Yusran (Secretary of Agency)  
Yayasan Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan Aceh (LBH-APIK): Fatimahsyam (Executive Secretary) and Rosalina Rasyid  
Liga Inong Aceh (LINA): Sultan Fariz Syah (Programme Coordinator) and Cut Intan Mutia Nur (Project Focal Point)  
Mitra Sejati Perempuan Indonesia (MISPI): Syarifah Rahmatillah (Executive Director)  
Pusat Studi Wanita Institut Agama Islam Negeri (PSW IAIN Ar-Raniry): Ibu Rosmawardani, Soraya Devy (Head of PSW) and Analiansyah (Project Coordinator)  
Pusat Studi HAM Unsyiah (PUSHAM Unsyiah): Yusri Z. Abidin (Head of PUSHAM) and Enzus Tinianus  
Pusat Klinik Hukum Fakultas Syariah IAIN Ar-Raniry (PKH IAIN Ar-Raniry): Zaki Fuad Chalil (Director) and Amrina Habibi (Project Coordinator)  
Yayasan Insan Cita Madani (YICM): Roys Vahlevi (Executive Director) and Marlaini Hasbi (Project Coordinator)

### **Other Organizations**

Ernita Dewi, Monitoring and Evaluation Officer, International Development Law Organization,  
Dwi Kristiani, Research Assistant, Gender Solution Exchange Aceh Nias, United Nations Office of the Recovery Coordinator for Aceh and Nias (ORC)  
Farid Muttaqin, Moderator, Gender Solutions Exchange. Aceh Nias, United Nations Office of the Recovery Coordinator for Aceh and Nias (ORC)

## *Annex 2 – Documents Consulted*

### **UNIFEM**

Gender Community of Practice, Solutions Exchange, UN Office, Banda Aceh, Reports on First Query; Women’s Empowerment and Sharia law implementation experience,; Improving conditions for girl household workers in BA city; Advocating for Women’ Rights in the 2009 Election

**Project Documents:** TORs for all partners, Progress Reports for all partners

Project Budget and Workplan; Project Logical Framework Analysis, October 31, 2006

CIDA Project Proposal 2006; Project Implementation Plan, July 2007, First Progress Report, April 2007 to March 2008; Monitoring Updates for CIDA, July 2007, May 2008, January 2009

Final Progress Reports for all partners: Final reports July 2009

“Strengthening Women’s Legal Rights in Aceh”, Advance copy of Final Report to CIDA, July 2009

“Principles of Convergence of CEDAW and Islam”, developed by workshop participants, Medan, May 2008

UNIFEM E-News, Qanun and Aceh, 1/2007, 2/1007, 3/2007, 4/2007

“Women’s Voices in Aceh Reconstruction, The Second All Acehese Women’s Conference”, 2006.

### **Provincial Government of Aceh**

Aceh Recovery Framework, 2008-2011

BRR, Press Statement, “Joint Land Titling in the Rehabilitation and Reconstruction Process”, Sept. 2006.

BRR. “Promoting Gender Equality in the Rehabilitation Process of Aceh and Nias”, September 2006.

GAM Reintegration Needs Assessment

Memorandum of Understanding Between the Government of the Republic of Indonesia and the Free Aceh Movement, 2005

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**Other Authors**

Crisis Management Initiative, “The Aceh Peace Process, Involvement of Women”, August 2006.

Susanna Denis and Warisha Yunis “Empty Promises: Gender Scorecard of World Bank Managed Post Tsunami Reconstruction in Indonesia”, Gender Action, September 2008.

IDLO, Guardianship, Inheritance and Land Law in Post-Tsunami Aceh, 2005

UNFPA, “Gender Based Violence in Aceh, Indonesia”, Workshop Proceedings, October 2005.

### Annex 3

CIDA Project - Activity Profile /Chronology		
18-21 September 2007 Medan	CEDAW Training 1	First training was held in September 2007. This training examined the foundations of CEDAW, addressing six thematic areas including: equality and non-discrimination, rights as a tool for change, the role of law, the CEDAW Convention, practical application of the convention, and advocacy and capacity building. The aim of this training was to develop some skills in promoting and facilitating the implementation of the Convention on the Elimination of All forms of Discrimination against Women. (CEDAW Convention) This training was facilitated by eminent resource persons like Ms. Mary Shanthi Dairiam, CEDAW expert among others.
October 8 2007	Focus Group Discussion on draft Qanun on Execution of Local Election	MiSPI facilitated this discussion to get inputs on the draft qanun prepared by the drafting team ( UNIFEM supported)
26-30 <sup>th</sup> November 2007 Medan	Training of Trainers on CEDAW Aceh Level 2	The second training applied CEDAW as a framework for analysis of sites of discrimination and gender inequality. Themes of the training included: developing a framework of understanding for the application of CEDAW, institutions and significance of gender equality principles in CEDAW and Islam as a framework to advance women's legal rights in Aceh. Additionally, participants developed skills in promoting and facilitating the implementation of the principles of gender equality in CEDAW and Islam through law and policy reform.
2008		



January 8-10 2008	Training on Legal Drafting	UNIFEM supported this activity was implemented by MiSPI( Mitra Sejati Perempuan Indonesia) . At least 21 members from Aceh were trained on legal drafting with gender perspectives. Gender advocates attended the training and enhanced their skills. Participants represented were CEDAW trainees (8), UNIFEM partners, Law Bureau, and WPN members.
January 17 2008	The qanun on the Execution of Elections No. 07 of 2008 (Qanun tentang Penyelenggaraan Pemilihan Umum di Aceh) signed on 17 January 2008.	UNIFEM supported MiSPI to facilitate the process. MiSPI established the drafting team which consisted of 10 member, 4 of them were DPRA members. The first, second and third advocacy meetings were held on 12 <sup>th</sup> September, 20 <sup>th</sup> September and 13 <sup>th</sup> October 2007 respectively. MiSPI facilitated focus group meeting on 08 <sup>th</sup> of October 2007. The head of the KIP was one of the resource persons to the discussion. Another seminar was organized to socialize the final draft of the Qanun on 13 <sup>th</sup> Nov 2007 and it was attended by more than 60 participants. Qanun requires a quota system that requires that 30 percent of KIP (Independent Elections Committee) and Panwaslu (Election Oversight Committee) members to be women
February 21- 23 2008	Strategic Planning Workshop (UNIFEM) Thailand	UNIFEM staff members from the region attended the workshop. Some topics covered: Key results, Challenges, Way forwards, Management Results Framework, Development Results Framework, Selection of Process of Implementation Partners, and tools needed in programming inter alia.
April 30 2008	Draft Qanun on Kompilasi Hukum Jinayat discussions	UNIFEM provided technical and financial support to YICM to incorporate gender equality principles and human rights standards to Qanun 12, 13, 14 on compilation of Islamic Law. Provincial Law Bureau invited YICM to be the main partner facilitating the revision of above Qanuns. YICM facilitated the team meetings which consisted of 08

		experts. First team meeting was held 30 <sup>th</sup> April 2008 and other meetings were held on 10 <sup>th</sup> May (2) June 3(3) 07 <sup>th</sup> June(4) 10 <sup>th</sup> June( 5) 19 <sup>th</sup> June (6) 04 <sup>th</sup> July (7) 04 <sup>th</sup> August ( 8) 25 <sup>th</sup> August (9) 8 <sup>th</sup> September (10 <sup>th</sup> ) respectively. UNIFEM and gender advocates were able to change the draft to a certain extent by incorporating human rights measures. This Qanun has been listed in 2009 prolega as a priority Qanun.
May 5-8 2008	Training 3 – CEDAW Training of Trainers	The third training built on the theoretical foundation and practical exercises provided in 1 and 2 <sup>nd</sup> training This training focused on the convergence of CEDAW and Islam in Aceh. The objectives of this training include: developing a framework that integrates gender equality principles in Islam and CEDAW for use in advancing women’s rights in Aceh. A planning meeting held in Banda Aceh in March 2008 to develop the programme for the third training. The training aimed to address •Human rights and gender equality principles in Islam in the Quran, Hadith and Fiqh, Convergence of gender equality principles in Islam and CEDAW, Gap between gender equality principles and reality of cultural/religious practice in Aceh , Checklist/guidelines - Maqasid Syariah ( objectives of Islamic law) and CEDAW framework
June 18-20 2008	CEDAW socialization to Journalists and Media Activists Implemented by YICM	
July 1, 2	UNIFEM Partners Coordination meeting	
July 3 2008	Round Table Discussion with Ulama Council on Violence against Women	Mitra Sejati Perempuan,Indonesia(MiSPI ) on behalf of Women Policy Network (Jaringan Perempuan untuk Kebijakan, (JPuK) convened a roundtable discussion with Majelis Permusyawaratan Ulama (MPU) alias Religious Leader Representatives Council (hereafter referred to as Ulama Council) by facilitating women’s organizations/groups to

		bring to the notice of Ulama Council their concerns on violence against women. Approximately thirty-two participants attended the round-table discussion, out of which eight were male including four members of the Ulama Council. Accordingly, five members represented the Ulama council, which consisted of four male members and one female member. The head of MPU, Bapak Muslim Ibrahim chaired the discussion. In addition to local women NGO's, there were representatives from Shariah Court, University, Government, Women's Political Party, Head of the Women's Empowerment Agency and UNIFEM, to the discussion
July 09 2008	1 <sup>st</sup> monthly group discussion on Gender and Sexuality	This was attended by number of gender advocates and Gender working group members in Aceh. A follow up meeting was requested by participants on sexuality and Islam at this meeting.
July 16 2008	Discussion on Women's Rights	This is a UNIFEM supported YICM activity. Participants from Syariat Islam Department, Law Bureau, DPRA also attended this meeting.
July 19 2008	Focus Group Discussion on Women's Rights and women issues in Bireuen	UNIFEM supported LINA activity. This meeting was attended by 23 participants representing multi-sectors.
July 28-29 2008	Capacity Building Training for LINA staff and coordinators	UNIFEM supported LINA activity. This was attended by 25 participants. 4 males and 21 females. Topics covered : CEDAW, Security Council Resolution 1325 and women and politics
July 26-31 <sup>st</sup>	<b>Study Tour to Morocco</b> (UNIFEM- CIDA)	Participants: Dra. Raihan Putry( Head of Provincial Women Empowerment and Child Protection Agency) Prof Dr. Muslim Ibrahim ( Head of the Provincial Ulama Council) Dr. Asna Husin, Lecturer, State Islamic Institution, Ms. Khairani Arifin, Lecturer, Syiah

		Kuala University and Mr. Danial, Lecturer State Islamic Colleague
2008 July 31	<b>CEDAW 1<sup>st</sup> Socialization</b> for BPP( Women Empowerment and Child Protection Agency)	This was organized by BPP in Banda Aceh. One of the CEDAW trainees, Suraiya Kamaruzzaman was one of the main facilitators. This is a good example of strengthened partnership with the government and gender advocates.
August 1 <sup>st</sup> 2008	Meeting on qanun Syariah Law	UNIFEM organized a meeting with Professor Alyasa Abubakar and gender advocates
04 August 2008	<b>The 2<sup>nd</sup> Roundtable Discussion</b> with Ulama on unregistered marriages - Dinas Syariat Office	The discussion was facilitated by MiSPI . Bapak Drs. Ziauddin Ahmad, the Head of Dinas Syariat was the main speaker.
August 19 2008	Expert's Group meeting on Qanun on Syariat Islam	UNIFEM and gender advocates attended the meeting. Gender advocates provided their inputs to the draft.
August 25 2008	<b>CEDAW 2<sup>nd</sup> Socialization for BPP( Women Empowerment and Child Protection Agency) in Langsa.</b>	The 2 <sup>nd</sup> socialization was directed to the government officials from the district of Bireuen. The draft research on CEDAW and Islam was also distributed to participants of the CEDAEW socialization by Balai Syura.
September 13 2008	<b>3<sup>rd</sup> Ulama Council Meeting</b> on Challenges in Providing legal assistance for women victims of violence	Main speaker was Drs. H Saleh Puteh , Chairman, Provincial Syariah Council

September 20 2008	<b>CEDAW 3<sup>rd</sup> Socialization for BPP</b> (Women Empowerment and Child Protection Agency)	CEDAW socialization for the employees of the Women Empowerment and Child Protection Agency itself.
September 25 , 2008	<b>Monthly Group Discussion</b> on women and Politics	Women in Politics by Nurshahbani K and M.Arifin
October 21	1 <sup>st</sup> Partner's workshop conducted by CIDA	
October 27	<b>4<sup>th</sup> CEDAW socializing</b> in Meulaboh by BPP ; The Women Empowerment and Child Protection Agency	
November 2-8	<b>Study Tour to Malaysia and Singapore</b>	Participants: Rida( KKTGA) Teuku Saiful( Academic) Fatimah Syam ( LBH APIK) Ria Fitri ( LKBHUWK) Rosnidasari ( Balai Syura). Participants were able to improve the understanding and learning of good practices in particular implementation of Syariah law and gender equality and human rights standards in respective countries.
November 16, 17, 18	Workshop for female ex-combatants	Full day workshop for female ex-combatants with LINA. The workshop was attended by 21 women ex-combatants in Bireuen, most of them are housewives, farmers and labors. The three-day workshop mainly focused on exploring problems experienced by women ex-combatants related to violence against women either in domestic or in the past conflict and post-conflict situations. Further, in this workshop rights enshrined in CEDAW, UN Security Council Resolution 1325 and the Law on Domestic Violence, UU No. 23 (2004) were discussed briefly using the simplest language and methods like using pictures and dramas
November 19	Women empowerment Qanun	Balai Surya actively participated to the public hearing with an alternative draft. UNIFEM

	public hearing meeting	provided technical support to prepare an alternative draft for gender advocates, mainly to Balai Surya. The lobbying document was distributed at the public hearing.
November 28-30	Debate Competition and CEDAW workshop for law enforcement officers	UNIFEM supported debate competition was organized by LBH APIK for law enforcement officers in Northern Aceh Regency and Lhokseumawe. The draft research on CEDAW and Islam was also distributed to participants of the debate competition by Balai Syura.
December 20	Focus Group Discussion on the importance of Marriage Registration	Pusat Klinik Hukum Fak Syariah. Representatives from a multi-range of ages and sectors from Mahkamah Syariah, Dinas Syariat, Majelis Permusyawarahan Ulama (Ulama Councils), Religious Affairs Office of Banda Aceh, Aceh Justice Resource Center (AJRC), Office for Population and Civil Record, Moslem Youth Organisation(AIWasliyah), Badan Pemberdayaan Perempuan(Women's Empowerment Agency), law enforcement agencies, legal aid services, and Islamic Law Faculty –IAIN Ar –Raniry were actively engaged to this discussion
December 23 2008	Monthly Group Discussion	Basically, the discussion focus on the reflection and observation of Laila and Nana who participated the AWID (Association for Women In Development) on 14 – 17 November 2008, in Captown Africa. The conference was attended by 2000 participants from 180 different countries in Asia-Africa. The representatives from Aceh are ADAP, Sriratu, RPUK, and Solidaritas Perempuan.
31 December 2008	CEDAW socialization in Takengon This was conducted by the Women Empowerment and Child Protection Agency	
2009		
January	Workshop on	The Workshop was conducted on 02 – 03 January 2009 at the Grand Nanggroe Hotel

02 – 03 2009	Training Needs Analysis and Mapping of Issues Related to Decisions/Rulings of Shar'iyah Court Judges.	Banda Aceh. The Workshop was attended by 19 judges of the Syar'iyah Court from various districts of Nanggroe Aceh Darussalam. The objective of this workshop was to accommodate opinions, expectations, needs related to skills in formulating legal considerations in court rulings/decisions
January 10-11 2009	Workshop on module formulation of Family Law, Domestic Violence and CEDAW for Mahkamah Syariah Judges	This was conducted by Pusat Klinik Hukum Fak Syariah. The Workshop was conducted on 10-11 January 2009 at the Grand Nanggroe Hotel Banda Aceh with the objective of formulating a module for Syariyah court judges. The Workshop involved five local resource persons who has expertise in this field, namely, Drs. Taufiq Basyumi, Former Deputy of General Attorney-Jakarta, now represents the Supreme Court, Prof.Dr. Syahrizal Abbas, MA, Deputy Rector for Academic Affairs, Prof. SH, DR. A. Hamid Sarong, SH, MH, --consisting of academics and practitioners.
January 12, 13 2009	Follow-up Socialization of CEDAW for Selected Participants	The final activity in socialization of CEDAW was the Follow-up Socialization for selected participants was held at Pade Hotel, Banda Aceh
January 28,29, 30 2009	Gender and CEDAW Training for journalists	YICM organized this meeting. After the training, the participants decided to form a voluntary forum in Aceh to monitor media on gender equality issues.
January 28-29 2009	CEDAW refresher training	This training was useful for participants to share their experience in use of CEDAW framework in their activities and their respective institutions. Draft research on CEDAW-

		Islam was strengthened at this workshop with inputs given by participants. This meeting also provided input to qanun on Jinayat law which is being discussed in DPRA.
January 31, Feb 1, 2	Training of Mahkamah Syaria judges Family law, Domestic Violence and CEDAW	A three day training workshop for Syariah Court judges represented several districts within Nanggroe Aceh Darussalam was conducted from on 31 January 2009 – 02 February 2009 in Banda Aceh. 29 judges participated in this training workshop. As per sex disaggregated data on participation out of 29 judges there were xx female judges and xx male judges. The first ever female Sharia court head also participated in this training representing Aceh. The flow of the training included discussions, plenary, group work an eye opening session with visual based knowledge kits such as videos. The training time and facilities were arranged by adhering to the female judge’s needs and child care needs
February 5 2009	Debate competition for women’s groups- Sabang	Balai Surya organized this event. 9 women’s groups participated for this debate. The draft research on CEDAW and Islam was main reading materials for the debate. The city council also supported the event, the Mayor was present.
February 10,11,12 2009	2 <sup>nd</sup> Legal Drafting Training	Direct execution by UNIFEM. Legal Drafting Training held from 11 -12th February. 8 participants were attended the training. At the Evaluation and Feedback session, participants said that the materials used for training was good, while the training was focused and relaxed. They said that they have received technical skills and tips for legal drafting. Further, they said that they will be able to use the materials and references they received from the training as guidelines for future work.
February 25 2009	CIDA’s Series of Reflection Workshops; Workshop Governance and Peace Building conducted by CIDA for partners	
2009 March 1-8	<b>South Africa Study Tour</b>	UNIFEM supported study tour was organized by Balai Syura. Participants : Nursity from Balai Surya, Rasyidah ( PSW IAIN) Asmawati( BRA) Akhiruddin Mahjuddin ( Gerak)



		Yusran ( Badan PP dan PA)
March 11, 12 2009	<b>Regional Conference</b> on Advancing Gender Equality and Women’s Empowerment in Muslim Societies- Jakarta	Topic covered - Issues and Challenges in Gender Equality and Islam, Effective tools, actions and/or strategies to advance gender equality in Muslim Societies, Strategies to Eliminate Violence Against Women in Muslim Societies, Women’s leadership and political participation, Identity politics, Pluralism and Gender Equality and Presentation of Recommended Actions . CEDAW-Islam Framework in Integrating Gender Equality Perspectives into Legal Reform in Aceh was presented by Nursiti Amin, Balai Syura Ureong Inong Aceh
March 13th , 2009	<b>PSW IAIN Ar Raniry</b> launched the daras (study book) with perspective gender. The books are on Fiqh, Islamic History and Interpretation	
March 14 <sup>th</sup> 2009	<b>PUSHAM research</b> on the principles of gender equality, justice and non-discrimination in the process of Qanun –making in Aceh was launched	
1 <sup>st</sup> April, 2009	<b>UNIFEM’ Partners Meeting</b>	UNIFEM invited 9 (nine) organization partners to a meeting aimed as a sharing forum among the partners in terms of their experiences in the project implementation. The forum also identified contributions of partners projects to UNIFEM’s Outcomes and Outputs as outlined in the Logical Framework Analysis.

## Annex 4

Partner	Outputs/Outcomes	Comments
<p><b>1. Yayasan Insan Cita Madani (YICM)</b> Public Awareness of Gender Justice in Aceh</p>	<p><i>Review on revision of Qanun on Compilation of Jinayat Law (Criminal laws) :</i> The Syariat Islam Department, Law Bureau, MPU and DPRA. These institutions are benefiting from YICM's efforts to engage the public to strengthen the Qanun draft; in a process that is more efficient and effective than if the institutions facilitated public engagement themselves. Their significant role is also in socialization of the making process of Qanun Compilation of Jinayat Law, especially to the journalists who are expected to also monitor the process and inform community.</p> <p><i>Training on Socialization CEDAW:</i> Journalists and media activists benefited from the training and have increased their knowledge and awareness of gender issues in the media. The training has given them a strong foundation to continue advocating for gender equality and women's empowerment through the media.</p> <p><i>Discussion on Women's Rights:</i> The Syariat Islam Department, Law Bureau, MPU and DPRA (including members of the review team of the Qanun), as well as women activists. YICM has assisted in the fulfilment of public participation in policy implementation in Aceh.</p>	<p>YICM needed greater capacity in supporting gender oriented discussion with law makers. Media events were more successful and an area of solid experience. YICM took on additional activities to undertake follow-up of socialization for journalists and media activists; organize refresher courses for training, and organize a writing competition on Islamic Perspectives of Women's Rights</p>
<p><b>2. Pusat Studi Hak Asasi Manusia (PUSHAM),</b> University Syiah Kuala</p>	<p>3. Organizing a research and study on documentation of process of Qanun-making, particularly reviewing the extent to which principles of gender equality as framed by CEDAW are integrated into qanuns.</p>	<p>Good cooperation was achieved with legislators in collecting information for the research.</p>

<p>(Unsyiah): Analysis on the Application of Principles of Gender Equality, Justice and Non-discrimination and Fulfillment of Women's rights in the Processes of Making a Draft Qanun on Education, Qanun on Jinayah and Qanun on Public Services</p>	<p>4. Organizing a workshop on preparation of Research Design 5. Conducting a library and field study 6. Processing data and publishing of book</p> <p>(Impact on the general beneficiaries of this program, the public, legislators, executives, and CSOs, was not measured before the end of the project. The qanun making is on going and election caused significant and unplanned postponement to the legislative processes.</p>	<p>Based on workshop recommendation - draft of Qanun on Health was too unclear so was replaced by Draft of Qanun on Public Services; Book published and reviewed</p>
<p><b>7. Pusat Klinik Hukum Fak. (PKH) Syariah IAIN Ar-Raniry:</b> Support to Capacity Building of Syariah Court Judges and Socialization of a Gender Responsive Marriage and Family Law</p>	<p>Focus Group Discussion with relevant institutions and strategic partners on the importance of Marriage Registration</p> <p><b>1.</b> Workshop on Training Needs Analysis and Mapping of Issues related to Shar'iyah Court Judge Ruling/Decision. <b>2.</b> Workshop to Formulate Module on Family Law, Domestic violence (KDRT) and CEDAW <b>3.</b> Training on Family Law, domestic violence (KDRT) and CEDAW for Syar'iyah Court judges.</p> <p>(A number of judges used Law on KDRT in making a ruling on cases of domestic violence; One of the women judges has socialized CEDAW to staff; Increased number of gender sensitive statements made by Syariah Court Judges during the training)</p>	<p>Results indicated heightened awareness of judges on the CEDAW/Islam interfaces and concrete examples of impact at the judicial level were provided. Efforts made by PKH to increase participatory techniques for training</p>

	<p>4. Produce books on 10 sermons related to duties and rights of a marriage from a gender perspective by Syariah Court judges to be used on Friday Sermon.</p> <p>5. Developing a guide books for judges on Family Law, Domestic Violence (KDRT) and CEDAW</p>	
<p><b>8. Pusat Studi Wanita Institut Agama Islam Negeri (PSW IAIN Ar-Raniry):</b></p> <p>Development and Publication of <i>Daras</i>/Teaching Books as the reference on CEDAW-Islam</p>	<ul style="list-style-type: none"> <li>• 12 lecturers were selected as the writers of Fiqh, Tafsir and Islam History teaching books with gender perspective. The writers consist of 70% women and 30% men.</li> <li>• Knowledge improvement of IAIN Ar-Raniry lecturers on the writing concept and method of teaching books with gender and Islamic perspectives from a workshop.</li> <li>• Formulation of teaching book texts (draft) on Fiqh, Tafsir and Islam History.</li> </ul> <p>(Writers are able to produce Islamic <i>daras</i> with gender perspectives; Feedback on use of use of books as a guidance and reference for teaching-learning activities by the IAIN Ar-Raniry lecturers and students was not yet available)</p>	<p>Successful workshop; difficulty in coordinating 12 writers and harmonizing their writing</p> <p>Capacity building of academia and book writers in terms of gender analytical skills is also needed considering that the gender perspective of the book is still very weak</p>
<p><b>9. Mitra Sejati Perempuan Indonesia (MiSPI) for Jaringan Perempuan untuk Kebijakan (Women Policy Network, JPuK);</b></p>	<ul style="list-style-type: none"> <li>• Ratified Qanun on the Execution of Elections in Aceh (Qanun No.7 of 2008); includes 30 percent minimum quota for women representation in the Independent Election Committee (KIP Aceh) and the Election Observation Committee Aceh (Panwaslu Aceh)</li> <li>• Draft of the Qanun on Women Empowerment and Protection of Women in Aceh with gender peryspectives is formulated, analyzed and criticized by the legal experts and community.</li> </ul>	<p>Strong results but issues in implementation, timing delays and shortages of experienced staff; Some of MiSPI's activities were turned over to Balai Syura</p> <p>(Balai Syura built on work done</p>

<p>Advocacy for Gender Equality Policy Making Process &amp; Capacity Building for Members of Women Policy Network</p>	<ul style="list-style-type: none"> <li>• Participants have participated in legal drafting activities in the province such as sitting in the drafting committees and speaking in public hearings of Qanun</li> <li>• Inclusion of several criticisms in order to improve the Qanun draft on Local Political Parties</li> <li>• Solutions to address negative impacts of unregistered marriages formulated in a roundtable with Dinas Syariah Islam; recommendations given to resolve challenges faced by the advocates for cases related to violence against women</li> </ul>	<p>by MiSPI, particularly to strengthen the advocacy work which was needed throughout the process of qanun making. MiSPI completed its work which contributed to the overall advocacy strategy)</p> <p>MiSPI acts as secretariat for JPuK (Women Policy Network)</p>
<p>Socialization of CEDAW in Bireuen</p>	<ul style="list-style-type: none"> <li>• Office space renovated.</li> <li>• After the training at least three Bireuen LINA coordinators relate issues that women in their villages face and endeavour to seek solutions for the issue of violence against women.</li> <li>• Recommendations and follow-up to hold an audience with the relevant stakeholder in Bireuen to, together, work to eradicate violence against women.</li> <li>• The mass media (newspapers) covered violence against women in their publications.</li> <li>• Commitment from the Women’s Empowerment Division to cooperate in eradicating discrimination and violence against women.</li> <li>• Workshop for women ex-combatants</li> </ul>	<p>Impact was realized on LINA coordinators and staff, media and government but outputs for the greater women population in the area, needed better targeting</p>
<p><b>10. Yayasan Lembaga</b></p>	<ul style="list-style-type: none"> <li>• Partnerships built among law enforcement officers in Lhokseumawe and</li> </ul>	<p>Beneficiaries of program are the</p>

<p><b>Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan Aceh (Yayasan LBH APIK Aceh):</b></p> <p>Socialisation of CEDAW to Law Enforcement Institutions in the Districts of Lhoksemauwe and North Aceh,</p>	<p>North Aceh for CEDAW socialization.</p> <ul style="list-style-type: none"> <li>• Recommendation, suggestion, support and feedback on workshop and debate competition for the CEDAW socialization</li> <li>• Recommendation from the provincial law enforcement institutions to send the Heads of the Police, State Attorney and Syar'iaah Court as the resource persons.</li> <li>• Socialization of specific laws on women and children through workshop and debate competition.</li> <li>• Law enforcers' comprehension of CEDAW principles and National Domestic Violence law improved</li> <li>• Identification of obstacles and challenges in the implementation and internalization of CEDAW</li> </ul>	<p>law enforcement officers (Judge, Prosecutor and Police) in Lhokseumawe and North Aceh.</p>
<p><b>11. Balai Syura Ureung Inong Aceh (BSUIA):</b></p> <p>Socialization of CEDAW and Support to Capacity Building Initiatives Towards Development of Gender Sensitive Qanun in Aceh.</p> <p>This program included study</p>	<ul style="list-style-type: none"> <li>• Research results used as basis for policy discussion and development of messages to socialize CEDAW.</li> <li>• Messages on CEDAW, Gender equality and Islam as displayed in the campaign tools are widely disseminated</li> <li>• Distributed reading materials was studied well by all participants, it could be seen through participants' abilities in answering the questions correctly.</li> <li>• Agreement by the stakeholders of the gender equality principles to be advocated and pushed for in the targeted qanun</li> <li>• Input and strategy jointly formulated for qanun advocacy are available.</li> <li>• List of Problems (DIM) which can be used to support advocacy and lobby</li> </ul>	<p>Results of study tour: The ease with which gender advocates are able to articulate themselves in public spaces and argue on issues and support for gender equality, CEDAW and Syariah. Availability of results of study tour which can be used as a reference in Qanun and policy advocacy.</p>

<p>tours to Malaysia, South Africa and Morocco</p>	<p>concerning Qanun on Women’s Empowerment and Protection of Women’s Rights (QPPP).</p> <ul style="list-style-type: none"> <li>• Transparency of legislative team discussing QPPP to involve women in discussion the Qanun.</li> <li>• There were some inputs from the participants regarding the draft of Qanun jinayah.</li> </ul>	<p>Balai Syura worked on Qanun on Women’s Empowerment and Protection of Women’s Rights and Qanun on compilation of Jinayah Laws</p>
<p><b>12. Badan Pemberdayaan Perempuan dan Perlindungan Anak NAD (Women Empowerment and Child Protection Agency, Aceh Province)</b></p> <p>Socialization of CEDAW to the Bureaucracy Officials at District/City Levels in the Province of Aceh</p>	<ul style="list-style-type: none"> <li>• Participants showed an increased level of understanding concerning women’s rights which is reflected from questions raised during the discussion session.</li> <li>• Several participants have been able to analyze policies that are discriminatory against women, especially government policies related to employment. E.g.: Policy on maternity leave for women who work as government employees.</li> <li>• There are plans to conduct socialization of CEDAW in several regions, this is based on the understanding of the participants that CEDAW should be socialized at each level of government. A concrete follow-up plan is formulated to be implemented after the socialization.</li> <li>• One of the participants from Badan PP was able to assist the facilitator in the follow-up session for socialization to clarify the issues related to women’s rights particularly in the bureaucracy.</li> <li>• Some of the participants will be capable of transferring the training to their own regions.</li> </ul>	<p>Recommendations coming out of Badan PP’s activities included a proposal that CEDAW be included in regional budgets, and that Baden PP should build synergy with its counterparts at district level, and importantly during the induction period of government employees, material on CEDAW should be included</p>

**Terms of Reference**  
**Evaluation Consultants for the Project**  
**Strengthening Women’s Legal Rights in Aceh**

**1. Background**

Nanggroe Aceh Darussalam (NAD or Aceh) was still a conflict-torn region when the Indian Ocean tsunami of 26 December 2004 struck. The impact of the disaster was devastating to Acehnese communities emotionally, economically, socially and environmentally. Aceh, more than any other place, bore the brunt of the disaster with estimates of 130,000 deaths, 37,000 missing and nearly 500,000 internally displaced persons living in barracks, makeshift camps and host communities. The majority of victims are believed to be women.

Despite this, Acehnese women survivors took on vital roles during the emergency period as well as during the reconstruction phase by volunteering, providing care for relatives and orphaned children, offering emotional support to grieving survivors, engaging in aid distribution, providing health care services, as well as grassroots organizing, mobilizing existing networks, promoting and sharing essential information to affected communities, and facilitating capacity building activities for fellow women and men. Notwithstanding their involvement in post tsunami Aceh, official reports and field accounts indicate that women have been marginalized and excluded from the redevelopment of Aceh across all sectors and levels. Additional concerns exist for women in the context of the reassertion of Syariah Islam in Aceh and discriminatory interpretations of the law.

The Law on Governing Aceh (LoGA) was passed in July 2006 marking an important step in fulfilling a major commitment of the Memorandum of Understanding (MoU) between the Government of Indonesia (GoI) and GAM (The Free Aceh Movement) signed on 15 August 2005. Based on the LoGA and national law No. 18/2001 on Special Autonomy for Nanggroe Aceh Darussalam, Aceh has the right to develop and pass *qanun* (local by-laws). This is a critical time in Aceh to ensure that principles of gender equality and non-discrimination are incorporated into *qanun* making.



Responding to the aforementioned concerns and particularly the reassertion of Syariah Islam and need for legal reform, the United Nations Development Fund for Women (UNIFEM) has been implementing the project, “**Strengthening Women’s Legal Rights in Aceh**” which commenced in April 2007. The project is supported by the Canadian International Development Agency (CIDA) and funded by a grant of **One million two hundred thousand Canadian Dollars (CAD\$1,200,000.00)** for a **project duration of 24 months**.

Focusing on mainstreaming gender equality perspectives into the development of *qanun*, the project aims to strengthen key institutions and a core group of strategically positioned advocates to promote women’s legal rights in the context of Aceh’s autonomous legal reform, and increase awareness and application of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the context of Muslim society. The process of integrating gender into legal reform in this project is guided by gender equality principles in Islam and CEDAW. The convergence of Islam and CEDAW provides the framework for ensuring better legal protection of women’s rights in the post-tsunami and post-conflict recovery process.

## **2. Purpose of the evaluation**

Being in the final year of implementation, as it was committed in the project document, a final independent evaluation will be conducted. The evaluation has the following purposes:

1. To assess and validate the results of the project in terms of achievements/gaps in delivering outputs, contributing to outcomes, reaching target beneficiaries, the factors that affected the results, and the potential for sustainability;
2. To analyze the effectiveness of the overall strategy and approaches of the project on strengthening women’s access to legal rights, including the use of converging gender equality principles in CEDAW and Islam as an approach, capacity building, partnerships, and knowledge generation and dissemination;
3. To analyze lessons learned on both substantive and project management issues, specifically broader learning for UNIFEM overall approach to support legal reform and access to justice applying the framework of CEDAW in the context of Muslim societies;
4. To provide inputs for a second phase of the project.

It is expected that the results of the evaluation will be used as significant inputs for:

- Finalizing the second phase of the project – its focus and strategy
- UNIFEM’s strategic reflection and learning on its work on to support legal reform and gender justice applying the gender equality principles in CEDAW and Islam in Aceh as a catalytic mechanism for the advancement of women’s human rights;
- Convening other partners (UN, Government, civil society) to share findings and stimulate broader collaboration on legal reform and access to justice using the gender equality principles in CEDAW and Islam.

### **3. Description of the project “Strengthening Women’s Legal Rights in Aceh”**

The project focuses on mainstreaming gender equality perspectives into Aceh’s autonomous legal reform with particular attention to upcoming *qanuns*. The project adopts a gender-sensitive rights perspective to legal reform in Aceh, using the synergies between CEDAW and Islam, as the mechanism to ensure that gender equality and women’s empowerment perspectives are mainstreamed into Aceh’s legal reform. Enhancing women’s access to rights and entitlements from a CEDAW perspective cannot be realized without addressing gender discrimination in interpretation and implementation of the existing *Syariah* in Aceh. The convergence of gender equality principles in Islam and CEDAW provides the framework for advancing women’s legal rights in Aceh. Work on defining this convergence has been done in different parts of the world, including Morocco, South Africa and Malaysia and will support the process of determining the interface between the international normative standards of substantive equality and non-discrimination as contained in CEDAW and other human rights instruments and gender equality human rights principles in Islam. The interface of these perspectives needs to be defined, claimed and owned by Acehnese advocates of gender equality and human rights.

The goal of the project is to improve the lives of women in Aceh by enhancing their role in the political, social and economic institutions of Aceh.

The expected outcomes are:

1. Selected *qanuns* are gender responsive and women are empowered to claim their rights.
2. Improved understanding, technical capacity, commitment and leadership to integrate gender equality into selected *qanuns* among gender advocates and mainstream institutions.
3. CEDAW-Syariah/Islam knowledge base adapted, localized and institutionalized to strengthen advocacy for women’s legal rights in Islam.

The expected outputs are:

1. Strengthened partnerships/collaboration among and between multiple stakeholders advocating for mainstreaming of gender sensitive perspectives into selected qanuns.
1. Increased capacity of key stakeholders to influence the mainstreaming of gender perspectives into selected qanuns.
2. Increased availability and use of documentation and resource materials on CEDAW-Syariah/Islam.

See the logical framework analysis in Annex I.

#### **4. Scope of the Evaluation: Evaluation questions**

Regarding the *geographic scope*, the evaluation will focus its analysis on the work done at the provincial level in Aceh. The evaluation will cover the timeframe 2007-2009, from the initial implementation stage to the completion of project phase. The evaluation will also be forward looking in terms of the design of the project for future stages and replicable models. It will therefore be a summative evaluation, with a significant formative component.

The evaluation will address a number of key questions in two main areas:

- a) Results: questions on the achievement of results of the project based on specific outcomes and corresponding outputs.
- b) Strategy: questions on the effectiveness of using converging gender equality principles in CEDAW-Islam as an approach/framework for engendering qanun making, and lessons learnt for UNIFEM.

For the development of the second phase, the evaluation is to shed light on strategic areas for UNIFEM's work on advancing women's legal rights in Aceh in the context of the Aceh Recovery Framework (ARF). ARF (2008-2011) presents the Government of Aceh's priority goals and strategies to advance the rehabilitation-reconstruction efforts, reduce poverty rapidly, consolidate the peace and reintegration process and to achieve key socio-economic development goals for the benefit of all peoples in Aceh.

It is expected that the Evaluation Consultant will develop an *evaluation matrix* which will relate the following questions, the areas they refer to, the criteria for evaluating them, the indicators and the means for verification as a tool for the evaluation.

***Key evaluation criteria and questions to be addressed:***

*Effectiveness – Achievement of outputs, progress towards outcomes*

- To what extent has the project Strengthening Women’s Legal Rights achieved the stated outputs?
- What evidence exists of progress towards the outcomes?
  - Assess the factors that facilitated/inhibited project contribution towards outcomes. In particular,
    - Partnership choices and strategies
    - Project strategies/approaches, e.g., capacity development, awareness building, knowledge generation and dissemination
    - In particular, how effective was the strategy of using the converging principles of gender equality in CEDAW and Islam in advancing women’s legal rights in Aceh?
    - Project management, .e.g., adequacy of management structure in Aceh; adequacy of the management structure at regional office to facilitate the support to the project on managerial, administrative and technical matters; adequacy of monitoring and reporting
  - What if any have been unexpected results to which the project has contributed? Beyond stated project outcomes, is there evidence that demonstrates value added, or potential value added, in ensuring greater attention to gender equality concerns in the context of the MDGs, provincial and national development plans, budgetary processes, decentralization, and efforts to achieve greater UN coordination?

*Relevance –alignment and response to context*

- Context: How relevant was the design of the project for the Aceh situation - in terms of alignment with priorities and needs of the province? How flexible did the project respond to needs and changing developments within the province?
- Priorities: Based on UNIFEM’s mandate and comparative advantage, how did the project select and prioritize qanuns for engendering? With what results?

### *Sustainability - Partnership collaboration and capacities installed*

- Are the project results sustainable?
- Were risk factors and risk mitigation strategies identified during project formulation?
- Partnerships: Were the partnership choices appropriate for greater sustainability of the project?
- Capacities: What mechanisms has the project developed to ensure that systems and capacities for integrating gender equality principles into legal reform are institutionalized?
- What other factors contribute to, or constrain sustainability?
- Is there evidence of interest or concrete plans for upscaling or replication of successful experiences?

## **5. Management of the evaluation**

The UNIFEM Regional Office will manage the evaluation. During the evaluation process, it will consult UNIFEM Evaluation Unit, and the Asia, Pacific & Arab States Section in HQ as may be necessary. Coordination in the field including logistical support will be the responsibility of the Aceh office.

This is a participatory evaluation with a strong learning component. For the preparation of this TOR, an initial identification of key stakeholders has been conducted in order to analyze their involvement in the evaluation process. The management of the evaluation will ensure that key stakeholders will be consulted.

After the completion of the evaluation, a final stage of the process will take place, including the dissemination strategy for sharing the lessons learnt, and the management response of the evaluation results. These activities will be managed by the UNIFEM East and Southeast Asia Regional Office in close consultation with UNIFEM Evaluation Unit.

The UNIFEM East and Southeast Asia Regional Office may participate in the field mission in collaboration with the evaluation consultant.

## **6. Evaluation Methodology**

The evaluation of the project Strengthening Women's Legal Rights will be based on a methodology proposed by the evaluation consultant and validated by UNIFEM East and

Southeast Asia Regional Office in consultation with the UNIFEM Evaluation Unit. The methodology should include:

- the evaluation design, specifying the approach to address the purposes of the evaluation and the evaluation questions (including an *evaluation matrix* with key evaluation criteria, questions, indicators, and sources of information);
- the instruments and tools to gather relevant information and data, including the variety of key informants to be interviewed;
- the approaches for the analysis and interpretation of data.

In addition, the following will also be developed:

- the communication and reporting strategies of evaluation results; and
- the work plan – indicating timing of activities and resources

***Timeframe and products***

The evaluation will be conducted between March through early April 2009.

<b>Activities</b>	<b>Product</b>	<b>Deadline</b>
Initial desk review by evaluation consultant		February (2 days)
Detailed evaluation plan; consultations with Regional Office and Aceh office; as basis for the inception report	<b>Inception report</b> which includes the evaluation methodology and the timing of activities and deliverables	Early March (3 days)
Data collection: additional desk review, field visits, etc.  Aide memoire and debriefing of UNIFEM Aceh and UNIFEM Bangkok office, prior to departure of evaluation consultant		12-20 March (9 days)

Preparation and discussion of preliminary findings, lessons learned and recommendations between evaluation consultant and UNIFEM. Drafting of full report and five-page executive summary	<b>Draft full report</b> highlighting key evaluation findings and conclusions, lessons and recommendations. The format of the evaluation report will be agreed with the evaluators.  <b>Draft five-page executive summary</b>	25 March – 3 April (4 days)
Review by UNIFEM	Written feedback to the evaluation consultant	6-10 April
Finalizing the full report and executive summary	<b>Final evaluation report and five-page executive summary</b>	13-14 April (2 days)

#### 7. Qualification and experience of Evaluation Consultant:

- At least a master’s degree; PhD preferred, in any social science
- 10 years of working experience in evaluation, and at least 5 in evaluation of development programmes. Experience in evaluation of large programmes involving multi-countries
- 5 years of experience and background on gender equality and/or human rights and familiarity with CEDAW
- Experience in working with multi-stakeholders essential: governments, CSOs, and the UN/ multilateral/bilateral institutions. Experience in participatory approach is an asset. Facilitation skills and ability to manage diversity of views in different cultural contexts
- Experience in capacity development essential
- Familiarity with the Aceh and/or Indonesia an asset.
- Ability to produce well written reports demonstrating analytical ability and communication skill
- Ability to work with the organization commissioning the evaluation and with other evaluation stakeholders to ensure that a high quality product is delivered on a timely basis.
- Fluent in English.

## **8. Ethical code of conduct for the evaluation,**

It is expected that the evaluators will respect the ethical code of conduct of the United Nations Evaluation Group (UNEG). These are:

- **Independence:** Evaluators shall ensure that independence of judgment is maintained and that evaluation findings and recommendations are independently presented.
- **Impartiality:** Evaluators shall operate in an impartial and unbiased manner and give a balanced presentation of strengths and weaknesses of the policy, program, project or organizational unit being evaluated.
- **Conflict of Interest:** Evaluators are required to disclose in writing any past experience, which may give rise to a potential conflict of interest, and to deal honestly in resolving any conflict of interest which may arise.
- **Honesty and Integrity:** Evaluators shall show honesty and integrity in their own behavior, negotiating honestly the evaluation costs, tasks, limitations, scope of results likely to be obtained, while accurately presenting their procedures, data and findings and highlighting any limitations or uncertainties of interpretation within the evaluation.
- **Competence:** Evaluators shall accurately represent their level of skills and knowledge and work only within the limits of their professional training and abilities in evaluation, declining assignments for which they do not have the skills and experience to complete successfully.
- **Accountability:** Evaluators are accountable for the completion of the agreed evaluation deliverables within the timeframe and budget agreed, while operating in a cost effective manner.
- **Obligations to Participants:** Evaluators shall respect and protect the rights and welfare of human subjects and communities, in accordance with the UN Universal Declaration of Human Rights and other human rights conventions. Evaluators shall respect differences in culture, local customs, religious beliefs and practices, personal interaction, gender roles, disability, age and ethnicity, while using evaluation instruments appropriate to the cultural setting. Evaluators shall ensure prospective participants are treated as autonomous agents, free to choose whether to participate in the evaluation, while ensuring that the relatively powerless are represented.
- **Confidentiality:** Evaluators shall respect people's right to provide information in confidence and make participants aware of the scope and limits of confidentiality, while ensuring that sensitive information cannot be traced to its source.



- **Avoidance of Harm:** Evaluators shall act to minimize risks and harms to, and burdens on, those participating in the evaluation, without compromising the integrity of the evaluation findings.
- **Accuracy, Completeness and Reliability:** Evaluators have an obligation to ensure that evaluation reports and presentations are accurate, complete and reliable. Evaluators shall explicitly justify judgments, findings and conclusions and show their underlying rationale, so that stakeholders are in a position to assess them.
- **Transparency:** Evaluators shall clearly communicate to stakeholders the purpose of the evaluation, the criteria applied and the intended use of findings. Evaluators shall ensure that stakeholders have a say in shaping the evaluation and shall ensure that all documentation is readily available to and understood by stakeholders.
- **Omissions and wrongdoing:** Where evaluators find evidence of wrong-doing or unethical conduct, they are obliged to report it to the proper oversight authority.

Annexes:

1. Quality criteria for the assessment of proposals.
2. Quality criteria for evaluation report.
3. UNEG Ethical Code of Conduct
4. UN Evaluation Norms and Standards