

ANNEX-IV
TERMS OF REFERENCE (updated 18 February 2008)
Justice Education and Training (JET) Programme for Formal and Informal Justice Providers
(RFP/UNDNP/GOV-AJP/002/2008)

PROJECT: ACCESS TO JUSTICE FOR PEACE AND DEVELOPMENT IN ACEH

1. Objective

UNDP is seeking a Responsible Party to support its effort to implement the Justice Education and Training (JET) Programme for Formal and Informal Justice Providers, with the purpose of improving the capacity of the General Courts of Aceh and Adat (customary) Justice providers towards providing effective grievance handling and to providing satisfactory remedy.

2. Background

Nanggroe Aceh Darussalam (Aceh)

After thirty-years of conflict, which ended in 2005 with the signing of the Memorandum of Understanding (MoU) between the Government of Indonesia and the Gerakan Aceh Merdeka (GAM), and after the devastation of the 26 December 2004 tsunami, Indonesia's western-most province of Nanggroe Aceh Darussalam is now making its way through the multiple processes of post-disaster and post-conflict recovery.

Until recently, efforts have understandably focused on responding to life-saving and livelihood needs of disaster victims and little emphasis has been devoted to rehabilitating the justice sector. However, as recovery and development efforts move forward, rehabilitating the justice sector and improving citizens' ability to access justice, which is increasingly recognized as a critical condition that contributes to development, especially in poor and post-conflict settings, becomes critical in maintaining peace and security.

Aceh Justice Project

The UNDP-BAPPENAS Aceh Justice Project (AJP) is a three-year project that is being implemented with financing support from the European Union's Aceh Peace Process Support package. The project was developed based on needs identified during a UNDP led access to justice assessment undertaken in Aceh in early 2006. The overall objective of the project is to support the implementation of the MoU and to consolidate the peace and development process in Aceh.

With this objective in mind, AJP will support legal empowerment through the following four project objectives:

1. Improving the normative framework to enhance access to, and the administration of, justice;
2. Increasing legal awareness and ability to access justice amongst the vulnerable, conflict- and tsunami-affected population in Aceh;
3. Strengthening institutional capacity (skills, systems and infrastructure) of the formal and informal justice systems to provide access to justice, uphold the rule of law, protect human rights and promote an integrated justice system; and
4. Increasing the capacity of civil society to monitor and advocate for the rights of the disadvantaged, to disseminate information to promote citizens' rights and to perform an oversight function of the justice system and act as a force for public accountability.

Between August-November 2007, a capacity-building needs assessment to examine priority capacity requirements of primary formal and informal justice institutions in Aceh, namely the High Court, District Courts and traditional adat justice providers. The capacity requirements to identified included (i) human resources, skills, and knowledge;

(ii) case management system; and (iii) equipment needs. In consultation with the Supreme Court, High Court of Aceh and Majelis Adat Aceh (MAA), AJP has identified priority capacity building interventions which forms the basis of the JET programme activities as elaborated below.

3. Scope of Work

The Aceh Justice Project is seeking a Responsible Party to support the fulfillment of the Justice Education and Training (JET) Programme portion of the Project (see objective 3 above). To this end the project will strengthen the institutional capacity of the formal and informal justice institutions in Aceh to provide access to justice, uphold the rule of law, protect human rights and promote an integrated justice system.

The Justice Education Training programme will consist of two components, one each targeting the formal justice providers and adat (customary law) justice providers.

1) For formal justice providers, AJP, through the Responsible Party will implement: i) a training programme focused on the General Courts of Aceh; and ii) computerize the case management system of the judiciary. Currently, there is an existing national judicial reform agenda (Supreme Court Blueprint) implemented by the Supreme Court Reform Team as well as ongoing training programmes carried out at the national level such as the Good Governance in Indonesian Judiciary (GGIJ). In order to ensure consistency with the national reform agenda, the Responsible Party will work in close coordination and collaboration with the Supreme Court of Indonesia, the High Court of Aceh, GGIJ and other relevant organizations. AJP will facilitate communication between the Responsible Party and the organizations noted.

2) For adat justice providers, AJP, through the Responsible Party will develop: i) adat education and training strategy; and ii) documentation and archiving strategy supported by relevant equipment support to be identified by the Responsible Party. The Majelis Adat Aceh (MAA) is a representative council funded by the provincial government budget to oversee all matters related to customary law and practices in Aceh. In establishing and implementing this component, the Responsible Party will work closely with MAA and other relevant civil society organizations.

Specifically, the scope of work for the JET Responsible Party should include the following:

- ❖ Establish and implement trainings for Judicial and Non-Judicial Personnel of the High Courts in Aceh
 - Develop and deliver a minimum of five sets of trainings from the following topics:
 - 1) Mediation Training and Certification for Judges
 - i) Adaptation of existing training module
 - ii) Organise 5-day training for 20-25 judges from all district courts in Aceh.
 - 2) Code of Conduct and Wealth Declaration for Judges
 - i) Adaptation of existing Supreme Court-approved training modules through small working groups.
 - ii) Organise 3-4 day training for approximately 200 judges in 6 locations throughout Aceh.
 - 3) Anti-Corruption Awareness and Certification Training for Judges
 - i) Adaptation of existing Supreme Court selection and training process
 - ii) Organise candidate selection process followed by certification training for approximately 30 judges for 10-15 days.
 - 4) Training for Registrars and Bailiffs
 - i) Adaptation of existing Supreme Court national curriculum for Registrars and Bailiffs
 - ii) Organise eight sets of 2-3 day training for approximately 200 Registrars and 50 Bailiffs
 - 5) Child Protection Training for Judges
 - i) Adaptation of existing training module designed by UNICEF in collaboration with UNICEF and Supreme Court.
 - ii) Organise 3-day trainings approximately for 100 judges in 3 locations.

- ❖ Plan and implement computerization of the Case Management System of the General Courts
 - Implement computerization process to ensure information currently entered into Case Register Books is entered into to a standardized Excel template, and that the data can be used to compile monthly reports (Please note that this excel format has already designed by GGIJ and that the computer equipment is being procured and installed by AJP for the High Court and all district courts). Delivery by the RP would include:
 - i) Installing the Excel template onto designated computers in each court;
 - ii) Design and delivery of trainings for registrar staff in 19 courts in Aceh (15-20 registrar staff in each district court;
 - iii) Follow-up monitoring on use of Excel database
 - Trouble-shooting actual or potential problems during implementation.
 - ❖ Develop and implement education and training for Adat justice providers
 - Support the MAA in the development of an overall education and training strategy for Adat justice providers. This can be done through organizing workshops bringing together MAA, academics, adat leaders and other relevant stakeholders. Results and recommendations from the workshop to be written up into a strategy paper in collaboration with MAA.
 - Develop, adapt and implement Training of Trainers modules targeted at district MAA representatives which may include topics such as Mediation Skills, Code of Conduct, Gender Awareness Training, Child Protection Training and Guidelines on fair and accountable administration of justice.
 - Organise Training of Trainers training for approximately 25-30 trainers from throughout Aceh to be trained
 - In collaboration with trained trainers, organize approximately five sets of training for 125 participants.
 - ❖ Establish and implement documentation and archiving strategy for Adat justice providers
 - Develop an overall documentation and archiving strategy for adat judicial processes. This includes determining types of proceedings to be recorded, developing standard ways of recording and reporting formats, create a system of storing information and identifying storage locations. The strategy can be developed through working groups composed of MAA representatives and other relevant stakeholders.
 - Organise 1-day socialization workshop on the new strategies and guidelines in 23 kabupaten (districts) for approximately 150 participants each.
 - Identify material and equipment needs to support the documentation and archiving strategy in 23 Kabupatens and carry out procurement and provision of the materials (e.g Registration books, filing cabinets).
- Please note that for all trainings, the Responsible Party will also arrange the transport and accommodation of the participants as well provide appropriate per diems.
- ❖ Design and implement monitoring and evaluation process for all activities
 - ❖ Narrative and financial reporting to UNDP on all activities and results noted above.
 - ❖ Ensure visibility of the Donor and AJP in all activities implemented.

4. Expected Outputs and Payment Schedule

The Responsible Party is expected to deliver the following outputs during the course of the programme (please note that the delivery dates and payment schedule are tentative and may be revised at the time of contracting based on the Bidder's proposal and in agreement with AJP):

Deliverables	Target delivery date	Payment schedule
An inception report detailing the work plan, target outputs, time frames, etc.;	By end of the first month	5%
<ul style="list-style-type: none"> • One set of training delivered for judicial and non-judicial staff from the General Courts of Aceh 	By end Quarter 1	10%

<ul style="list-style-type: none"> • Electronic case administration system established in 4 courts in Aceh and court staff trained in its use. • AJP and donor visibility actions in all JET activities • Q1 Narrative progress and financial report 		
<ul style="list-style-type: none"> • One set of training delivered for judicial and non-judicial staff from the General Courts of Aceh • Electronic case administration system established in 4 courts in Aceh and court staff trained in its use. • Education and Training Manuals for adat justice providers produced. • Documentation and Archiving Guidelines for adat justice providers produced. • AJP and donor visibility actions in all JET activities. • Q2 Narrative progress and financial report 	By end of Quarter 2	15%
<ul style="list-style-type: none"> • One set of training delivered for judicial and non-judicial staff from the General Courts of Aceh • Electronic case administration system established in 4 courts in Aceh and court staff trained in its use. • Materials and equipments support provided for adat leaders to implement documentation and archiving strategy. • One set of Training of Trainers organized for Adat Justice Providers • Socialisation Workshops on new strategies organized in 12 districts. • AJP and donor visibility actions JET activities supported by AJP. • Q3 Narrative progress and financial report 	By end of Quarter 3	35%
<ul style="list-style-type: none"> • One set of training delivered for judicial and non-judicial staff from the General Courts of Aceh • Electronic case administration system established in 4 courts in Aceh and court staff trained in its use. • Three sets of follow up trainings organized for Adat Justice Providers. • Socialisation Workshops on new strategies organized in 11 districts. • AJP and donor visibility actioned in all JET activities supported by AJP. • Q4 Narrative progress and financial report 	By end of Quarter 4	25%
<ul style="list-style-type: none"> • One set of training delivered for judicial and non-judicial staff from the General 	Quarter 5	10%

<p>Courts of Aceh</p> <ul style="list-style-type: none"> • Electronic case administration system established in 3 courts in Aceh and court staff trained in its use. • Two sets of follow up trainings organized and delivered for Adat Justice Providers. • AJP and donor visibility actioned in all JET activities supported by AJP. • Final narrative and financial report including results of audit and results achieved as measured against baseline 		
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Note: The percentage of payment is not lumpsum and cost reimbursable mode of contract will be used. Every progress payment will be linked to the actual expenditure born by the company.

5. **Eligible Organisations**

Indonesian organisations, international organisations partnered with Indonesian organisations, or international organizations may apply to serve as the Responsible Party. This includes NGOs, community based organisations, academic institutions, private enterprise organisations, etc.

6. **Period of Performance**

The duration of AJP is three years, operating from January 2007 through December 2009. The JET programme will operate for 15 months from the time of contracting of the Responsible Party, approximately 1 April 2008, until 30 June 2009.

8. **Reporting and Monitoring**

The Responsible Party will report to AJP through:

- An inception meeting with AJP to discuss and agree on timetable, payment processes, reporting schedules and formats, monitoring, etc.;
- Submission of progress narrative and financial reports, as well as required supporting documentation, to AJP for endorsement. The frequency and format of such progress reports shall be agreed on by AJP and the Responsible Party at the time of contracting;
- Submission of a final report including an independent audit and evaluation. The cost of the audit should be included in the proposal; and
- Maintenance of separate accounts, records, and supporting documentation related to the JET, expressed in the currency of the agreement (USD or IDR).

The project will monitor the Responsible Party's implementation of activities through:

- Regular reviews/meetings to discuss the Responsible Party's implementation progress and evaluate achievement of deliverables based on the initial work plan and budget;
- Review of narrative and financial progress reports submitted by the Responsible Party
- Field visits by AJP, as well as by donors, government and other officials;
- On-site field monitoring visits by AJP on a regular mutually agreed schedule; and
- Other monitoring and evaluation tools, including community input, surveys, etc.

9. **Aceh Justice Project Inputs**

The Aceh Justice Project will provide the following inputs: (i) establishment of training schedule for General Courts of Aceh; (ii) coordination with Supreme Court, affiliated training organisations and relevant Working Groups; (iii) participate on strategic planning process with Responsible Party and MAA; (iv) disburse funds to the Responsible

Party based on an agreed payment schedule; (v) monitor project implementation by Responsible Party (vi) AJP and donor visibility materials; and (vii) other technical support as required.

Further Information is contained in Annex V-Tasks and Responsibilities of Partners and Minutes of Pre Bidding Conference [to be conducted], each of which are integral parts of this Terms of Reference.