

# R E P O R T

## Association of Southeast Asian Nations (ASEAN) Regional Consultation on Sustainable Development Goals, Access to Justice and Legal Aid

Jakarta, 26-27 May 2016



# INTRODUCTION AND OBJECTIVES

The ASEAN Regional Consultation on Sustainable Development Goals, Access to Justice and Legal Aid was held in Jakarta on 26-27 May 2016, organized by the Indonesian National Development Planning Agency (Bappenas), the Indonesian National Law Development Agency of the Ministry of Law and Human Rights (BPHN), and the Indonesian Legal Aid Foundation (YLBHI) with the support of the Open Society Foundations (OSF), the United Nations Development Program (UNDP), the Global Legal Empowerment Network (NAMATI) and the International Development Law Organization (IDLO).

The Consultation brought together representatives of the Association of Southeast Asian Nations (ASEAN) Secretariat and ASEAN Intergovernmental Commission on Human Rights (AICHR), members of the Open Government Partnership (OGP), ASEAN Member State government representatives, bar associations, civil society leaders and international experts to discuss needs, strategies and activities for strengthening access to justice in the ASEAN region.

The meeting enabled participants to address:

- the needs, challenges and opportunities of institutions and mechanisms for implementing and tracking progress on the targets of SDG 16 within the framework of the 2030 Agenda in ASEAN member states at national and subnational levels, including sharing Indonesia's experience in piloting the implementation of Goal 16;
- experiences in legal and policy frameworks for access to justice and legal aid as a means to achieve the target of equal access to justice for all, sharing challenges and lessons learned to overcome those challenges;
- experiences in developing national indices on access to justice, including developing indicators and collecting data needed for this index, and discussing the role of such indices in monitoring progress towards achieving SDG 16.3;
- the potential role of ASEAN bodies, including ALAWMM, ASLOM and AICHR, in supporting cooperation between ASEAN countries in strengthening the rule of law, access to justice and legal aid under the ASEAN Political-Security Community Blueprint 2025, and how best to support those bodies in playing this role.

Participants explored how regional, national and sub-national initiatives can contribute to implementation of the United Nations 2030 Agenda for Sustainable Development, and more specifically, to the implementation of Sustainable Development Goal (SDG) 16 that includes ensuring equal access to justice for all.

Areas of particular focus included:

- developing meaningful indicators for achieving SDG 16
- improving methodologies for data collection and monitoring
- increasing the effectiveness of, and funding for, national legal aid systems
- improving regional cooperation on legal aid and access to justice

### Key Results of the Consultation:

- **Participants had the opportunity to discuss the main challenges and opportunities within the region for implementing SDG 16**, with a special focus on national and subnational levels. The key challenges and best practices on providing legal aid, and experiences in access to justice provision in the region, were shared, as well as lessons learned and challenges for developing indicators for Access to Justice indices.
- **Participants had the opportunity to build valuable relations and network with relevant counterparts** in the region and other international experts from across the globe.
- **Participants agreed on enhancing future collaboration and cooperation** between ASEAN member states to advance national commitments on Goal 16 and strengthen the rule of law, access to justice and legal aid within the framework of the ASEAN Political-Security Community Blueprint 2025.
- **Adoption of The Jakarta Recommendations on Sustainable Development Goals, Access to Justice and Legal Aid in ASEAN (“The Jakarta Recommendations”)**: as part of the Jakarta Recommendations, the participants agreed upon establishing and supporting a Thematic Working Group to strengthen equal access to legal aid and justice for all in the region, in cooperation with the ASEAN Intergovernmental Commission on Human Rights (AICHR), Council of ASEAN Chief Justices, ASEAN Senior Law Officials Meeting (ASLOM), ASEAN Law Ministers Meeting (ALAWMM), and civil society.

## BACKGROUND: INTERNATIONAL AND REGIONAL GOALS ON EQUAL ACCESS TO JUSTICE

At the UN Sustainable Development Summit on 25 September 2015, world leaders adopted the 2030 Agenda for Sustainable Development, which includes 17 Sustainable Development Goals (SDGs) to end poverty, fight inequality and injustice, and tackle climate change by 2030.<sup>1</sup>

Goal 16 sets the objective to “**promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.**”

More specifically, Goal 16.3 sets the aim to “**promote the rule of law at the national and international levels and ensure equal access to justice for all.**”<sup>2</sup>

The commencement of the UN 2030 Agenda coincided with the adoption of the new ASEAN 2025 Community Vision, which emphasises the complementarity of the 2030 Agenda with ASEAN community building efforts. This is reinforced by the ASEAN Political-Security Community Blueprint 2025, which includes the goal to “*establish programmes for mutual support and assistance among ASEAN Member States in the development of strategies for strengthening the rule of law, judicial systems and legal infrastructure.*”<sup>3</sup>

The adoption of these three frameworks provides for new opportunities to strengthen the rule of law and ensure equal access to justice in the ASEAN region, through a combination of international, regional, national and sub-national initiatives.

<sup>1</sup> <https://sustainabledevelopment.un.org/sdgs>

<sup>2</sup> <https://sustainabledevelopment.un.org/sdg16>

<sup>3</sup> [www.asean.org/storage/2012/05/ASEAN-APSC-Blueprint-2025.pdf](http://www.asean.org/storage/2012/05/ASEAN-APSC-Blueprint-2025.pdf)

# SUMMARY OF PROCEEDINGS

## DAY 1:

### OPENING SPEECHES AND Welcoming Remarks:

#### Speakers



- **Rizky Ferianto**  
(Deputy Minister for Politics, Law, Defense, and Security—Indonesian Ministry of National Development Planning (Bappenas))
- **Dr. Faustina Pereira**  
(Director of Global Initiatives – IDLO)
- **Christophe Bahuet**  
(Country Director – UNDP Indonesia)
- **Aidan Harris on behalf of Binaifer Nowrojee**  
(Regional Director – Asia Pacific Regional Office, Open Society Foundations)



This session focused on the relationship between legal aid, access to justice and the rule of law, recognized a positive trend in the region that can be strengthened by increased cooperation and utilizing practical tools to measure and improve access to justice.



#### Excerpts from Speaker Remarks

*“Now that we have a universally accepted development agenda, it is indeed the time to move from words to actions.”—Dr. Faustina Pereira*

*“ASEAN matters for access to justice.” —Christophe Bahuet*

### Key Points

- **We need a process that will produce concrete outcomes.** This means designing sound strategies for access to justice, with clear indicators and practical methods for measuring progress. All of the strategies, indicators and measurement initiatives must effectively deal with the challenges of gender and inequality.
- **Building the rule of law is the most secure investment of time and resources** that can be made to ensure the fulfillment of the whole range of issues on the global development agenda.
- **Rule of law is not limited to traditional concepts of formal justice institutions**, but is a more flexible and wide-ranging concept that touches everything which helps empower the poor and marginalized to seek solutions to problems that impact their lives.
- **There is a positive trend in the region in terms of legal aid.** There is greater interest from governments and a willingness to partner with civil society to address the needs of the poor and marginalized utilizing lawyers, university legal clinicians and community based paralegals for criminal and civil disputes. A number of ASEAN member states (such as Indonesia, Cambodia and Myanmar) have recently developed new national-level legal aid laws, with others revising and strengthening existing frameworks.
- The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems have been agreed to by all member states of the General Assembly. **However there is still a long way to go in terms of implementation in the ASEAN region.** In many countries, legal aid providers find it difficult to access poor and marginalized individuals in police custody, and the right to a fair trial is often not respected.
- **Few countries in the region have national data collection programs** that enable accurate tracking of progress made on issues relating to equal access to justice and legal aid. This is a major challenge that can be addressed through a focused approach and working in collaborative partnerships, sharing lessons and methodologies across the region.
- **Collaborative partnerships are recognized as a key means of achieving the SDGs.** Government agencies, law enforcement officials, courts, civil society and private enterprise need to communicate and collaborate more effectively (see also SDG 17 on partnerships). For instance, in the area of migrants, governments and legal aid institutions must cooperate to ensure protection and access to legal aid for migrant workers (see SDG 10 on reducing inequality within and among countries).

## SESSION: Setting the Scene-SDGs and the Global Context



### Moderator:

- **Stacey Cram**  
(Global Advocacy Specialist – NAMAT)



### Speakers:

- **Erna Witoelar**  
(Former UN Special Ambassador for MDGs in Asia Pacific)
- **Nicholas Booth**  
(Regional Adviser for Conflict Prevention, Rule of Law and Human Rights – UNDP Bangkok Regional Hub)



This session focused on the need for better data relating to legal aid and how this can feed into the SDGs resulting in stronger, better funded legal aid services.

### Excerpts from Speaker Remarks:

*"We are going to begin to bring the SDGs from heaven, as it were, from the sky to earth, from high level negotiations to our countries, to ASEAN. All of the hard work will happen at home, in our own countries, and in ASEAN...By starting at home we will create the reality."* – Nicholas Booth

*"We cannot eliminate poverty if the poor are not legally empowered, they will be left behind."* – Erna Witoelar

### Key Points

- **With the adoption of the SDGs the world has adopted a comprehensive and global development agenda that integrates governance and access to justice**, based on partnerships between government, business and civil society.
- **The SDGs offer an important new opportunity to integrate access to justice and legal aid in national development strategies**, and to advocate for adequate budgets to deliver them.
- **The need for accurate data is at the heart of the SDGs** – building better frameworks for measuring access to justice and legal aid will also build the case for increased funding. Data concerning the number of cases handled by courts, prosecutors and police are important but inadequate indicators of access to justice for the poor and marginalized.
- **We should borrow from other 'whole of government' financing strategies** (e.g. Climate Change Public Expenditure Institutional Reviews) to make the case for integrated financing for access to justice and legal aid. An efficient and effective legal aid system can have a significant effect on other important aspects of governance as well as on development outcomes including health, education and economic growth. These public sectors should financially contribute to legal aid.
- **There is no development without justice and that there is no access to justice without legal aid.** The SDG agenda reinforces this message. The challenge is to make sure actions and interventions reach those most in need of assistance.

## SESSION 1:

# Bringing the Global Goals Home: National Strategies for Implementation of Goal 16



### Moderator:

- **Sumaiya Islam**  
(Program Manager – Open Society Justice Initiative)



### Speakers:

- **Diani Sadiawati**  
(Director for Analysis of Law and Regulation – Indonesian Ministry of National Development Planning (Bappenas)): National Strategy on Access to Justice and Presidential Decree on SDGs Implementation in Indonesia
- **Renelie Mayuga**  
(Judicial Reform Program Administrator – Supreme Court of the Philippines): Realizing Access to Justice through National Justice Plans
- **Maarten van den Bosch**  
(Deputy Head of Political Affairs – Embassy of the Netherlands in Indonesia): Dutch Coordination Mechanism in Monitoring the Implementation and Assigning Responsibilities in Achieving SDGs



This session focused on how a comprehensive national access to justice plan can drive improved performance and collection of data linked to indicators of the SDGs. Participants discussed how access to criminal and civil justice systems can be strengthened by developing specific practical tools and taking into account the needs of vulnerable populations and linking performance to the SDGs.

## Key Points

- With growing demands to improve quality, coverage, and outcomes, justice sector decision makers not only face the challenge of allocating resources to the highest priorities, but also of **ensuring that those resources are put to good use, deliver 'value for money,' and achieve the intended outcomes or impact.**
- **Development of a national access to justice plan** should involve a broad range of government agencies and civil society organizations and include specific, measurable indicators that are linked to SDG targets. For example in Indonesia, a national access to justice strategy links access to justice with improving public services delivery and prioritizes regulatory reform to guide legal aid development and simplify laws to make formal and informal justice systems more responsive to the needs of the poor and marginalized. The Indonesian Presidential Decree on Goal 16 demonstrates that we can achieve the highest commitment at the national level to ensure effective implementation.
- **There is an opportunity to develop more nuanced national indicators related to access to justice and they can be linked to the SDGs.** These include the proportion of people who can access dispute resolution mechanisms, local government funding for legal aid, percentage of persons with access to credible legal advices in criminal and civil cases and at what stage of the process they gain access to legal aid.
- **Case backlogs in the courts create major injustices, particularly for those who are already marginalized and vulnerable.** This requires specifically tailored solutions focused on increasing coordination between agencies on justice issues in both criminal civil justice process. Specific tools targeting case backlogs may include establishment of small claims courts to rapidly deal with less serious cases, recognition and support for community based paralegals, strengthening alternate dispute resolution mechanisms, improved technology for case management systems, electronic tracking of detainees, immediate provision of court orders at the time of decision, and strong sanctions by judges and police services when cases cannot progress because of non-attendance of police witnesses. For example, in the Philippines, a case decongestion project is reducing backlogs through the use of procedural reform, special decongestion officers, technological advancements such as e-courts and automated hearings, among other initiatives.

- **Civil justice deserves equal focus and attention in measurement frameworks.** People are more likely to experience civil, rather than criminal, injustices in their everyday lives. The SDGs are limited in their scope to measure access to civil justice. However, measurement schemes can and should still integrate civil justice. One such way to achieve this is to include the perception indicator for Goal 16.3, which was under consideration by the Inter-agency Expert Group on SDG Indicators: "Proportion of those who have experienced a dispute in the past 12 months who have accessed a formal, informal, alternative or traditional dispute resolution mechanism and who feel the process was effective and just."

## BREAKOUT SESSION 1: Facilitated Group Discussions on SDG Implementation: Embedding Access to Justice in National Policy and Planning



This session focused on the importance of national action plans on access to justice and how these plans can be linked to SDG indicators.

### Key Points:

- **Many government officials and civil society leaders are not yet aware of the SDGs and how they will operate.** The first step required is to spread knowledge, nationally and internationally, and promote a coordinated approach to developing indicators, gathering data and linking to the SDGs. One way this must happen is through focused dialogue on the SDGs with governments in the process of revising or formulating new laws on legal aid and development plans in the sectors of access to justice, poverty reduction, environmental protection and others.
- **The challenge for legal aid providers is often insufficient funding,** frequently due to insufficient understanding and recognition within national budget processes. Linking national plans that include specific measurable indicators for access to justice to the SDGs can open up the opportunity for increased funding in national budgets.
- **Civil Society Organizations (CSOs) play a critically important role in countries where the rule of law is weak, but they face chronic funding shortages.** CSOs can offer possible alternative solutions to governments, for instance in relation to mediation. The need for CSOs to take a strong, independent role in representing the poor against violations by government agents can compromise their potential for sustainable government funding. Specific tools and transparent mechanisms need to be provided to fund civil society legal aid organizations without compromising independence.
- **The UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems** is a valuable tool that can be included in national legal aid laws and regulations and used to provide the basis for SDG indicators.
- **The ASEAN framework can be used to strengthen access to justice mechanisms in the region,** through focusing on cross-border issues such as access to justice for migrant workers, and by establishing networks, for instance, between legal aid paralegals and lawyers in the region. AICHR should be an integral part of these initiatives.

## SESSION 2:

# Delivering Access to Justice: Experience on Legal Aid Developments in the ASEAN Region and Breakout Session on Country Experiences



This session focused on the relationship between cost effective legal aid systems, courts and law enforcement, the value of a 'mixed model' of legal aid providers and the ongoing need for financial support for access to justice programs.

### Key Points:

- **Increased information on the different legal aid systems in the region can provide important lessons learned and stimulate change.** Examples include data on the level of funding provided by the government, strength of the legal base for legal aid services, capacity building of legal aid providers, client eligibility criteria, recognition of community based paralegals, investing in legal awareness etc.
- **Cost effective legal aid is impossible to achieve without the cooperation of legal aid providers, courts, prosecutors and police.** If the courts are not functioning effectively, cases are not efficiently scheduled and police witnesses may not appear. This blocks the progress and keeps accused persons in custody unnecessarily. Legal aid providers need to travel to courts repeatedly only to learn their case will not be heard, increasing costs and decreasing effectiveness.
- **A mixed model of legal aid providers is appropriate for many ASEAN country settings.** The relationship between available supply of legal aid services is often far outweighed by the massive demand of the poor and marginalized. It is important to include an appropriate combination of legal aid services from bar associations, full time public defenders, civil society organizations, university law students and paralegals. Sub-national governments, which can be more in tune with the needs of local communities, are often ideally placed to provide complementary support to a national framework for the implementation of mixed model legal aid.
- **Governments must play a significant role in funding civil society legal aid organizations.** The need for civil society support for victims of injustice, advocacy against impunity and the inappropriate use of power remains high in the region. Civil society contribution to strengthening access to justice and the rule of law is crucial, but developing adequate levels of government funding can take significant time. Donors need to fill this gap in the meantime.



#### Moderator:

- **Constantinus Kristomo**  
Deputy Director of Legal Aid and Public Legal Education Center – National Law Development Agency, Indonesian Ministry of Law and Human Rights (BPHN)



#### Speakers:

- **Arpee Santiago**  
(Executive Director – Ateneo University Human Rights Center): Summary of Regional Study on Legal Aid and Access to Justice in ASEAN
- **Enny Nurbaningsih**  
Head – National Law Development Agency, Indonesian Ministry of Law and Human Rights (BPHN): Expanding Legal Aid through Partnerships with Civil Society and Local Government
- **Andrew Khoo**  
(Co-Chair – Human Rights Committee, Malaysia Law Society): Role of Bar Associations and Lawyers in Providing Pro Bono/Legal Aid in ASEAN



SESSION 3:

Measuring Justice and Access to Justice at the National Level: How to Ensure We Leave No One Behind?



Moderator:

- **Nicholas Booth**  
(Regional Adviser for Conflict Prevention, Rule of Law and Human Rights – UNDP Bangkok Regional Hub)



Speakers:

- **Diani Sadiawati**  
(Director for Analysis of Law and Regulation – Indonesian Ministry of National Development Planning (Bappenas)): Measuring Progress on Justice: Indonesian Plans on a National Access to Justice Index
- **Nick Menzies**  
(Senior Governance Specialist – World Bank): Tracking Progress through Survey Data
- **Le Thi Nam Huong**  
(UNDP Viet Nam): Presentation of the Viet Nam Justice Index
- **Nicolas Lanio**  
(Representative – Office of the Federal Public Defender of Argentina): Measuring Access to Legal Aid in Argentina



This session explored how effective legal aid systems can result in significant government savings and the need to collect accurate information to capture this effect and feed it into policy making processes.

Key Points:

- **We need to explore what indicators actually measure access to justice and include them as national access to justice indicators.** Legal needs surveys can greatly assist in understanding what services are needed. This will help to develop targets, indicators and plans and can inform national implementation.
- **The SDGs are not limited to justice systems, as this does not capture all of the issues relating to what is just for the poor.** Working in silos will not be effective and the SDGs recognize this. National access to justice plans need to be developed and implemented by a broad range of government agencies and other actors. SDG 16 relates to other SDGs, for example SDG 5 on gender equality, SDG 8 on inclusive and sustainable economic growth, and of course, SDG 1 on ending poverty in all its forms everywhere. The Indonesian government (Bappenas) delivered a presentation illustrating how, for example, SDG 1.3 on Access to Social Protection, SDG 10.3 on Eliminating Discriminatory Laws, Policies and Practices and SDG 16.9 on Providing Legal Identity for All and other SDGs are already incorporated in its Mid-Term National Development Plan (RPJMN 2015-2019), with applicable indicators and assigned ministries or agencies in charge.
- **New technology can assist with data collection.** Applications on tablets and smart phones provide vastly increased potential for collection of data from even remote geographical areas in a timely manner.
- **Data and indicative examples can demonstrate the importance of legal aid and how it can result in significant overall savings.** Examples include reducing the number of costly court proceedings through diversion of cases to other mechanisms, making hearings fairer and faster due to higher levels of legal representation, averting the social and economic costs of illegal evictions and land grabs through legal aid representation at early stages.
- **Civil Society Organizations can also provide large scale information and data for national and regional indicators of the SDGs.** There needs to be greater assistance provided to the leaders of civil society organisations (CSOs) to better utilise the data that they hold both within their organisations (e.g. about their cases and services) or that they access and share through their networks and collaborative partnerships (e.g. social media and service delivery partners).

## SESSION 4: Multilateral Partnerships for Achieving SDG 16.3



### Moderator:

- **Wiwiek Awiati**  
Member – Supreme Court Reform Team of Indonesia



### Speakers:

- **Jennifer Smith**  
Executive Director – International Legal Foundation
- **Siliwanti**  
Director for States Apparatus – Indonesian Ministry of National Development Planning (Bappenas)
- **Phoukong Sisoulath**  
Chair – ASEAN Intergovernmental Commission on Human Rights (AICHR)



This section focused on how national legal aid initiatives of ASEAN countries can be linked to strengthen a regional initiative.

### Key Points:

- **Legal aid is not sufficiently recognized as indispensable to access to justice.** In situations where there are thousands of poor and marginalized people who need legal assistance, equal access to justice means legal aid. The goal is not just access to justice, it is *equal access to justice for all*.
- **Legal aid needs to be included as a core, indispensable and essential component of access to justice** that states must include in their plans, budgets and reporting on access to justice and SDGs. Alternative access to justice activities such as mediation, information-sharing, awareness-raising and prevention methods ought to be included as well.
- **The focus on legal aid needs to be maintained at the national level, but can be assisted through regional mechanisms such as AICHR.** The growing impetus of the global access to justice network and international networks such as the Open Government Partnership (OGP) can also assist, for instance by awareness-raising, providing platforms to share best practices, and supporting CSOs and local activities.

## CLOSING REMARKS:



Speaker:

**Yasonna Laoly**

Minister for Law and Human Rights, Republic of Indonesia.

*"After a series of discussions and sharing best practices our response is a clear affirmation that this is the day to promote the SDGs and legal aid among ASEAN member states..."*

*"We are aware of the shadow that falls between an idea and action, between intention and implementation so we are also open to public participation in performance monitoring."*

*"Our solidarity and unity can be a major force in the cause of a more inclusive, fair and democratic ASEAN Community. We are at a decisive moment in charting its course...We should intensify our cooperation and collaboration to support SDGs, access to justice and legal aid for all ASEAN member state governments... A world shaped in our vision and aspirations will give each of us a better chance to succeed."*

## CONCLUSIONS AND RECOMMENDATIONS

In the plenary sessions of the Consultation, participants agreed on the importance of continuing a regional dialogue involving all ASEAN nations focused on the issue of strengthening access to justice for the poor and marginalized. Participants stressed that the Jakarta Consultation should be followed up with further regional and local events and continuing communication and collaboration involving a broad range of stakeholders.

To assist in maintaining the momentum of this process it was decided to draft specific recommendations from the Jakarta Consultation. A working group was asked to compile a set of draft recommendations that were then discussed and agreed to by those attending the final plenary session of the Consultation, resulting in the text of 'The Jakarta Recommendations.'

# THE JAKARTA RECOMMENDATIONS ON SUSTAINABLE DEVELOPMENT GOALS, ACCESS TO JUSTICE AND LEGAL AID IN ASEAN

## PREAMBLE

1. We, the participants of the ASEAN Regional Consultation on Sustainable Development Goals, Access to Justice and Legal Aid, assembled on 26-27 May 2016 in Jakarta, Indonesia to
  - a. Discuss the development needs, challenges and opportunities of institutions and mechanisms for implementing and tracking progress on the targets of SDG 16 within the framework of the 2030 Agenda in ASEAN countries at national and subnational levels, including sharing Indonesia's experience in piloting the implementation of Goal 16.
  - b. Share experiences in legal and policy frameworks for access to justice and legal aid as a means to achieve the target of equal access to justice for all, sharing challenges and lessons learned to overcome those challenges.
  - c. Share experiences in developing national indices on access to justice, including developing indicators and collecting data needed for them, and discussing the role of such indices in monitoring progress towards achieving SDG 16.3.
  - d. Discuss the potential role of ASEAN bodies in supporting cooperation between ASEAN countries in strengthening the rule of law, access to justice and legal aid under the ASEAN Political-Security Community Blueprint 2025, and how best to support those bodies in playing this role
2. The Consultation was co-organized by the Indonesian National Development Planning Agency (Bappenas), the Indonesian National Law Development Agency of the Ministry of Law and Human Rights (BPHN), and the Indonesian Legal Aid Foundation (YLBHI) with the support of the Open Society Foundations (OSF), the United Nations Development Program (UNDP), the Global Legal Empowerment Network (NAMATI) and the International Development Law Organization (IDLO). It brought together over 100 participants involved in implementation of the Sustainable Development Goals, and in particular SDG 16.3 on rule of law and equal access to justice for all, including representatives from national planning agencies, Ministries of Justice and legal aid agencies, the Judiciary, bar associations, as well as legal aid lawyers, community based paralegals, civil society members, and experts from ASEAN member states and beyond.

3. **Recalling** Resolution 70/1 of the General Assembly "Transforming Our World: The 2030 Agenda for Sustainable Development"<sup>1</sup> and in particular paragraph 80 which noted that "Follow-up and review at the regional and subregional levels can, as appropriate, provide useful opportunities for peer learning, including through voluntary reviews, sharing of best practices and discussion on shared targets."
4. **Noting** the Johannesburg Declaration on the Implementation of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (June 2014) and in particular Action Points C ('Establish international and regional cooperation mechanisms among legal aid authorities and defence services...') and F ('We ask States to collect on a continuous basis relevant statistics and information concerning the provisions of legal assistance in criminal matters and provide that information to the UN system. The data collected should be instrumental in targeting policy and budget priorities, tailoring technical assistance and ensuring accountability for the implementation of the UN Principles and Guidelines and promoting equal access to legal aid services.')
5. **Noting further** Resolution 25/2 of the United Nations Commission on Crime Prevention and Criminal Justice on Promoting legal aid, including through a network of legal aid providers<sup>2</sup>, which, inter alia:
  - a. encourages Member States to adopt or strengthen legislative or other measures to ensure effective legal aid in line with the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems<sup>3</sup>;
  - b. encourages Member States to facilitate the sharing of information and best practices among legal aid providers, and to share expertise on the development of national-level indicators for target 16.3 of the Sustainable Development Goals<sup>4</sup>; and
  - c. invites Member States to encourage, in collaboration with other relevant stakeholders as appropriate, the development of national, regional and international specialized networks of legal aid providers to exchange information and share good practices and expertise<sup>5</sup>;
  - d. requests the United Nations Office on Drugs and Crime to work closely with other United Nations agencies to continue to develop and disseminate tools such as best practices, handbooks and training manuals and to provide advisory services and technical assistance to Member States<sup>6</sup>;
6. **Noting further** that the ASEAN Community Vision 2025 as adopted at the 27th ASEAN Summit in Kuala Lumpur in November 2015 underlines the complementarity of the 2030 Agenda for states have undertaken to realize "an inclusive and responsive

<sup>1</sup> A/RES/70/1

<sup>2</sup> [https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ\\_Sessions/CCPCJ\\_25/2016\\_Resolutions\\_Decisions/03.CCPCJ\\_2016/Resolution\\_25\\_2.pdf](https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_25/2016_Resolutions_Decisions/03.CCPCJ_2016/Resolution_25_2.pdf)

<sup>3</sup> *Ibid.* at paragraph 3

<sup>4</sup> *Ibid.* at paragraph 4

<sup>5</sup> *Ibid.* at paragraph 5

<sup>6</sup> *Ibid.* at paragraph 9

community that ensures our peoples enjoy human rights and fundamental freedoms as well as thrive in a just, democratic, harmonious and gender-sensitive environment in accordance with the principles of democracy, good governance and the rule of law" and one which "promotes and protects human rights of women, children, youths, the elderly/older persons, persons with disabilities, migrant workers, and vulnerable and marginalized groups".

7. **Noting further** that the ASEAN Political-Security Community Blueprint 2025 includes provisions to "Establish programmes for mutual support and assistance among ASEAN Member States in the development of strategies for strengthening the rule of law, judicial systems and legal infrastructure" and specifically to "Entrust ASEAN Law Ministers Meeting (ALAWMM), with the cooperation of other Sectoral Bodies and Entities associated with ASEAN, including the ASEAN Law Association (ALA), to develop cooperation programmes to strengthen the rule of law, judicial systems and legal infrastructure" and to "Enhance access to legal assistance in ASEAN Member States to promote social justice through more public education and outreach activities".

#### Recommendations

1. We recommend the following action points for consideration by ASEAN member states and all other relevant stakeholders including international and intergovernmental organisations, regional bodies, civil society organisations and the private sector:
  - a. Engage all justice stakeholders, including legal aid providers, central and local government, parliaments, judiciary, bar associations, civil society, laws schools, academia, and private sector in the development, implementation and monitoring of national justice plans and policies.
  - b. Ensure that equal access to justice for all is fully integrated into and properly funded through national plans and policies for implementation of SDGs.
  - c. Ensure that equal access to justice for all and the right to legal aid are included in national and regional level indicators for achievement of the SDGs, and progress on these indicators is shared in an inclusive manner.
  - d. Establish a Thematic Working Group to strengthen access to legal aid in ASEAN, cooperating and collaborating with existing platforms including the ASEAN Intergovernmental Commission on Human Rights (AICHR), Council of ASEAN Chief Justices, ASLOM, ALAWMM and civil society.
  - e. Encourage development partners and international organizations to provide support and technical assistance to all relevant stakeholders in the implementation of the above recommendations.

Jakarta

27 May 2016

# AGENDA

Time	Item	Speakers
<b>Day 1, 26<sup>th</sup> May 2016</b>		
08.00 – 09.00	<b>Registration</b>	
09.00 – 09.15	<b>Opening</b>	Sing "Indonesia Raya"
	<b>Introduction</b>	<b>Rizky Ferianto</b> , Deputy Minister for Politics, Law, Defense, and Security of Ministry of National Development Planning/Bappenas
09.15 – 10.15	<b>Keynote Speech and welcoming remarks</b>	Speakers: <ul style="list-style-type: none"> <li>• <b>Dr. Faustina Pereira</b> (Director, The Hague Office – IDLO)</li> <li>• <b>Christophe Bahuet</b> (Country Director – UNDP Indonesia)</li> <li>• <b>Binaifer Nowrojee</b> (Regional Director, Asia Pacific Regional Office, Open Society Foundations)</li> </ul> Keynote Speech: <ul style="list-style-type: none"> <li>• <b>Dr. Sofyan Djalil</b> (Minister, Indonesian Ministry of National Development Planning/ Head of Bappenas)</li> </ul>
10.15 – 10.45	<b>Setting the scene: SDGs and the Global Context</b>  Overview of the current position globally on SDGs, indicators, multilateral partnerships and the way forward	Speakers: <ul style="list-style-type: none"> <li>• <b>Erna Witoelar</b> (Former UN Special Ambassador for MDGs in Asia Pacific)</li> <li>• <b>Nicholas Booth</b> (UNDP Bangkok Regional Hub)</li> </ul> Q&A Moderated by: <b>Nina Sardjunani</b> (Indonesia's SDGs Secretariat)
10.45 – 11.00	<b>BREAK</b>	

Time	Item	Speakers
11.00 – 12.00	<p><b>Session I:</b></p> <p>Bringing the global goals home: National strategies for implementation of Goal 16</p> <p>Shifting the development paradigm:</p> <p>Mechanisms that Governments can use in integrating access to justice and Goal 16.3 in government policies</p> <p>The discussion will be on the mechanisms of data gathering, assigning responsibilities, defining achievable targets and programs, and monitoring the progress.</p>	<p>Speakers:</p> <ul style="list-style-type: none"> <li>• <b>Diani Sadiawati</b> (Bappenas), National Strategy on Access to Justice and Presidential Decree on SDGs implementation in Indonesia</li> <li>• <b>Renelie Mayuga</b> (Supreme Court of the Philippines), Realizing access to justice through national Justice plans,</li> <li>• <b>Maarten van den Bosch</b> (Embassy of the Netherlands in Indonesia), Dutch Coordination mechanism in monitoring the implementation and assigning responsibilities in achieving SDGs</li> </ul> <p>Moderator: <b>Sumaiya Islam</b> (Open Society Justice Initiative)</p>
12.00 – 13.00	<b>LUNCH</b>	
13.00 – 14.00	<p><b>Breakout Session1–</b></p> <p>SDGs implementation: Embedding access to justice in national policy and planning</p> <p>During Session 1 participants are expected to engage in in-depth discussions on processes, policies and structures in place to promote action on SDGs and access to justice. Participants will explore national level implementation plans and discuss how they can be strengthened, identifying key actor and strategies to mobilize resources. This session will initiate the process of identifying good practices, lessons learned and knowledge sharing from the region.</p>	Facilitated group discussions
14.00 – 14.30	<b>Report back and moderated discussion</b>	Moderator: <b>Sumaiya Islam</b> (OSJI)

Time	Item	Speakers
14.30 – 15.30	<p><b>Session II:</b></p> <p>Delivering access to justice:</p> <p>Experience on legal aid developments in the ASEAN region</p> <p>Speakers will present:</p> <ul style="list-style-type: none"> <li>• Policies frameworks on legal aid in ASEAN countries</li> <li>• Experience of legal aid implementation</li> </ul>	<p>Speakers:</p> <ul style="list-style-type: none"> <li>• <b>Arpee Santiago</b> (Ateneo University), Summary of regional study on legal aid and access to justice in ASEAN</li> <li>• <b>Eddy Nurbaningsih</b> (BPHN), Expanding Legal aid through partnerships with civil society and local government)</li> <li>• <b>Andrew Khoo</b> (Malaysia Law Society), Role of Bar associations and lawyers in providing pro bono/ legal aid in ASEAN</li> </ul> <p>Moderator: <b>Kristomo</b> (BPHN)</p>
15:30 – 16:30	<p><b>Breakout Session 2 –</b></p> <p>Session 2 will focus on country experience on developing and implementing national legal aid frameworks. Through in-depth discussions, participants will develop a shared understanding of the meaning, scope and importance of legal aid and come up with concrete recommendations for the effective implementation of the legal aid policy frameworks.</p>	Facilitated group discussion
16.30 – 17.00	<b>Report back and moderated discussion</b>	Moderator: <b>Kristomo</b> (BPHN)
17:00 – 17.15	<b>Closing Day 1</b>	<b>Alvon Kurnia Palma</b> (YLBHI)
19:00	<b>RECEPTION DINNER</b>	

Time	Item	Speakers
	<b>Day 2, 27<sup>th</sup> May 2016</b>	
08.30 – 09.00	<b>Opening Day 2</b>	Recap from Day 1: <b>Patrick Burgess</b> (AJAR)
09.00 – 10.00	<p><b>Session III:</b></p> <p>Measuring justice and access to justice at the national level</p> <p>This session will discuss:</p> <ol style="list-style-type: none"> <li>how to measure justice at national levels,</li> <li>drawing on the experiences in some ASEAN countries as well as global experiences, and</li> <li>how national justice indices can support Goal 16.3 SDGs frameworks</li> </ol>	<p>Speakers:</p> <ul style="list-style-type: none"> <li><b>Diani Sadiawati</b> (Bappenas), Measuring Progress on Justice-Indonesian Plans on National access to justice index</li> <li><b>Nick Menzies</b> (World Bank – Washington), Tracking progress through Survey data</li> <li><b>Le Thi Nam Huong</b> (UNDP Viet Nam), Viet Nam presentation of Justice Index</li> <li><b>Nicolas Lanio</b> (Office of the Federal Public Defender of Argentina), Measuring access to legal aid in Argentina</li> </ul> <p>Moderator: <b>Nicholas Booth</b> (UNDP Bangkok Regional Hub)</p>
10.0 – 11.00	<p><b>Breakout session 3–</b></p> <p>Progress and Measurement: How do we make sure we leave no one behind?</p> <p>Participants will divide into 5 thematic groups (criminal legal aid, civil/administrative legal aid, ADR, judiciary, police/prosecution/prisons) and for each will consider some common questions:</p> <ul style="list-style-type: none"> <li>Why measure justice at the national level?</li> <li>What data points are needed to measure access to justice and legal aid? To what extent should we use public perception surveys, qualified expert surveys?</li> <li>How do we measure quality as well as quantity?</li> <li>Is it feasible/useful to measure at subnational as well as national levels?</li> <li>Which institutions are best placed to collect and organize relevant data?</li> <li>What data/disaggregation must we collect to ensure that we are reaching women and marginalized groups?</li> <li>What practical steps in terms of regional knowledge-sharing and technical international assistance can be useful to help ASEAN countries in developing national indices?</li> </ul>	Facilitated group discussions

Time	Item	Speakers
11.00 – 11.30	<b>Report back and moderated discussion</b>	Moderator: <b>Nicholas Booth</b> (UNDP)
11.30 – 13.00	<b>LUNCH and FRIDAY PRAYER</b>	
13.00 – 14.00	<p><b>Session IV:</b></p> <p>Multilateral partnerships for delivering SDG 16.3</p> <p>Panel discussion on Role of multilateral partnerships for delivering SDG Goal 16, and possible role of ASEAN in promoting access to justice within 2025 framework</p>	<p>Speakers:</p> <ul style="list-style-type: none"> <li><b>Jennifer Smith</b> (International Legal Foundation), partnership to implement Goal 16 from the UN side</li> <li><b>Siliwanti</b> (Bappenas), Indonesian presentation on OGP and SDGs Goal 16</li> <li><b>Phoukong Sisoulath</b> (AICHR Chair): role of AICHR in promoting AZJ within 2025 framework</li> </ul> <p>Moderator: <b>Wiwiek Awiati</b> (Supreme Court Reform Team)</p>
14.00-15.00	<b>Plenary discussion:</b> Concrete actions to enhance future collaboration and cooperation between ASEAN countries on access to justice and legal aid	Moderators: <b>Marlon Manuel</b> (Alternate Law Group) and <b>Sumaiya Islam</b> (Open Society Justice Initiative)
15.00– 15.15	<b>BREAK</b>	
15.15 – 15.45	<b>Closing statements</b>	<p><b>Yasonna Laoly</b>, (Minister of Law and Human Rights ) (tbc)</p> <p><b>Rizky Ferianto</b> (Deputy Minister for Politics, Law, Defense, and Security of Ministry of National Development Planning/ Bappenas)</p>

## LIST OF PARTICIPANTS

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