
Justice Services and Stability for Development Program (JSS4D)

Mid-Term Review

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About QTAG

The Quality and Technical Assurance Group (QTAG) provides strategic, advisory, review, and quality assurance capability and services to support the delivery of Australia's aid program in Papua New Guinea (PNG). It is designed to assure both governments that the agreed development objectives are being addressed efficiently and effectively and that development outcomes are emerging.

The goal of QTAG is to improve the quality and performance of the Australian Government Department of Foreign Affairs and Trade (DFAT) and Government of Papua New Guinea (GoPNG) programs that support stability and inclusive growth in Papua New Guinea.

The objective of QTAG is to enable DFAT and the GoPNG to make more informed decisions and exercise greater accountability for the performance and quality of agreed strategies and selected projects.

QTAG is implemented by Oxford Policy Management (OPM) Australia.

Acknowledgements

The Justice Services and Stability for Development (JSS4D) Mid-Term Review (MTR) team would like to express their gratitude to all the stakeholders who contributed their views to this piece. Individuals from across Papua New Guinea and Australia offered their time and consideration to ensure this review captured the complexity and strengths of this program. We would like to thank the Law & Justice team at the Australian High Commission (AHC) for their guidance and insight throughout the process. Special thanks go to the JSS4D team for arranging interviews, providing opinions, engaging in extended follow up consultations, and encouraging a trusting environment for their key counterparts. Finally, we would like to express our gratitude to individuals both within the Government of Papua New Guinea and in partnership with it, working tirelessly to create a safe environment for women, men, and children throughout the country.

Executive summary

Introduction and context

This is the report of the Mid-Term Review (MTR) of Phase 2 of the Government of Australia (GoA) funded Justice Services and Stability for Development (JSS4D) program. JSS4D is an eight-year, AUD151 million program, aimed at strengthening sector wide law and justice services in Papua New Guinea (PNG) across 2 phases. JSS4D Phase 1 ran from 2016-2020, with an investment of AUD 90 million. Phase 2 has an investment of AUD59 million for 2021-2023. JSS4D works with Government of PNG (GoPNG) national law and justice sector (LJS) agencies, their partners, and stakeholders in 5 priority provinces: Southern Highlands Province (SHP), Hela, Western Province, Morobe, Enga, and the Autonomous Region of Bougainville (ARoB). The End of Program Outcomes (EOPO) sought by the program are:

- EOPO 1: National Component: Law and justice agencies develop and implement inclusive legal and policy initiatives (which includes reform of key policies guiding the LJS and strengthening of sector leadership).
- EOPO 2: Subnational Component: Provinces coordinate local delivery of inclusive and accessible justice services outlined in law and justice plans (including Village Courts, Land Mediation and strengthening the safety and security of citizens).
- EOPO 3: Common Priorities: Demonstrated improvements in accessibility and enforcement in priority areas of family and sexual violence (FSV), and anti-corruption.¹

Specific programming is dedicated to the ARoB with its own EOPOs and intermediate outcomes (IO). JSS4D is delivered through modalities including infrastructure support, capacity development initiatives and technical assistance. The key audience for this review is DFAT and the JSS4D team. The purpose of the JSS4D review is two-fold:

- 1) Provide an independent assessment of progress to date, including recommendations for the remainder of implementation.
- 2) Provide some recommendations and areas of insight for the design of the new GoA-funded law and justice program.

The review was conducted between July and October 2022 by a team of 3 people: Dr Bu Wilson, Dr Orovu Sepoe and Ms Sally Moyle. Fieldwork took place in Port Moresby, Lae, and Bougainville. The review is largely qualitative, based on document review, semi-structured interviews, and group discussions; with evidence triangulated from multiple sources wherever possible. The team also paid attention to the governmental, technical, and political environment of JSS4D. The agreed Key Review Questions for this MTR, are:

- 1) To what extent is the program aligned with GoA and GoPNG priorities?
- 2) To what extent is JSS4D achieving its intended outcomes?

¹ Juvenile justice was initially included in EOPO3 but was subsequently moved to EOPO1.

- 3) To what extent has JSS4D achieved results in gender equality and disability inclusion?
- 4) To what extent has JSS4D been delivered in an efficient manner? and
- 5) To what extent are JSS4D program outcomes sustainable?

Findings

Overall, the MTR team finds that the program is performing well, is flexible and responsive, with only a few recommendations for consideration in the remainder of Phase 2 to end December 2023. Some key achievements to date include:

- Better coordination across the LJS.
- Strong GoPNG ownership of the program.
- Very effective integration of gender considerations across the program and effective early work on disability inclusion.
- Strengthening of Family and Sexual Violence Action Committees (FSVACs).
- Royal PNG Constabulary (RPNGC) agreement to integrate Family and Sexual Violence Units (FSVUs) into the structure of RPNGC and allocate operational funding.
- Passing of amendments to the Family Protection Act.
- Well-regarded leadership development and more women in leadership roles across the sector.
- Support for the first combined LJS visit to Nissan islands atoll, 200 km north-west of Bougainville.
- Mentoring of the Senior Magistrate and one (female) Magistrate as Land Mediators in ARoB which has reduced the backlog of cases and improved land mediation.

Like other programs, there have been significant impacts on the program due to COVID-19 and the recent general election. However, the program has been flexible and responsive in adapting to changing circumstances and pivoting to support GoPNG and other partners.

JSS4D remains aligned with GoPNG development priorities as expressed in the Vision 2050 statement; and the Medium Term Development Plan III (2018-2022) (MTDP III) including improvements in policing, safety and crime prevention, access to justice, accountability, reduced corruption, and ability to provide law and justice services. JSS4D remains strategically important to the Australian national interest by supporting our nearest neighbour to achieve their own strategic priorities. The program develops relationships with, and enables access to, key GoPNG stakeholders providing a broader foundation for mutual understanding between the two countries going beyond the content of a law and justice program.

JSS4D Phase 2 design mechanisms for the program remain relevant, although the benefits of some mechanisms such as introduction of multi-year Issues Response Implementation Plans (IRIPs), an increase in monitoring, evaluation, research, and learning (MERL) and clear reporting, and building of coalitions for change are yet to be fully realised. The JSS4D governance mechanisms provide an appropriate balance of ownership and oversight, with

evidence of improved coordination. JSS4D is responsive to partners' needs, particularly at the sub-national level. This has enabled the program to deliver innovative solutions. However, at times responsiveness to PNG priorities has left the program thinly spread and liable to be pulled in different directions. Yet, the program has largely managed to address the risks to effectiveness and sustainability. Further analysis of the JSS4D budget is required to assess whether the 20/80 percent split between national and subnational funding is being achieved but it is an appropriate aspiration given that the population live largely in regional and remote areas. The current targeting of priority provinces is reasonable and appropriate, however, funding for Enga should be reallocated to other activities for the remainder of the program, due to current slow progress and sensitivities regarding the provincial government's approach to law and justice not being aligned with national approaches.

In general, GoA programming across their investments in the LJS has been complementary, with some good examples of collaboration between JSS4D and the Australian Attorney General's Department (AGD) (revisions to the Family Protection Act), JSS4D and Pacific Women Shaping Pacific Development (on Family and Sexual Violence (FSV) and sorcery accusation-related violence (SARV)), and JSS4D and the PNG - Australia Policing Partnership (PNG-APP) (through support for public prosecutions and anti-corruption). Despite best efforts, there remain opportunities for improved coordination between JSS4D and the PNG-APP program, particularly in relation to FSV, to ensure that there is a common evidence-based message across GoA investments. The recent entry of new donors supporting the LJS in PNG increases the requirement for donor coordination.

Law and justice services in PNG continue to struggle to reach more remote areas. All GoPNG interlocutors said they would value more support and advice from JSS4D. The current phase of JSS4D has largely managed to strike a balance between providing sufficient investment to support GoPNG to strengthen the LJS institutions, without displacing core government functions. There remain significant areas of the LJS that would benefit from increased resources. However, JSS4D will be able to provide only a modest contribution to the significant LJS needs of PNG and so it remains important that GoA support is well targeted. In significant part due to COVID-19, but also reflective of a complex operating environment, JSS4D has experienced an underspend in this phase.

JSS4D is a clear and leading example across the Australian development cooperation program of how to integrate gender equality throughout a program. It is a sign of real success that a mainstream law and justice program so deeply integrates gender equality throughout its work. JSS4D support has contributed to solid movement towards sustainable GEDSI outcomes, particularly in relation to gender equality. There are more women in sector leadership positions, there is agreement to integrate FSVUs into RPNGC structure and there are negotiations to move FSVACs into the GBV Secretariat in DFCDR.

The current MERL system needs to be improved to better inform decision making, produce evidence of performance against IOs and EOPOs, meet Department of Foreign Affairs and Trade (DFAT) monitoring and evaluation (M&E) standards and further develop research and learning components to improve the effectiveness of the sector and program. While the current MERL system does not yet adequately support assessments of progress towards EOPOs and IOs the MTR team provisionally assesses that JSS4D reporting has made largely reasonable assessments of progress. There is good progress for IOs 1.1 (policy and

legislation) and 1.2 (leadership and professional skills) and adequate progress for IO 2.2 (community safety) and IO3.1 (collaboration on prosecutions). Further evidence is required to assess IO2.1 (Village Courts and Land Mediation). Progress on IO3.2 (anti-corruption) has proved challenging. The MTR Team assesses that programming in Bougainville is making good progress for EOPO B1 (dispute resolution), EOPO B2 (FSV) and EOPO B3 (effective delivery of LJS services) and adequate progress for EOPO B4 (Bougainville Police Service (BPS)).

Underfunding of key law and justice services by GoPNG, particularly at the provincial level, remains a major risk to sustainability. Additional monitoring, research, and analysis by JSS4D would enable better attribution of, or contribution to, outcome results and prospects for sustainability. There is opportunity to increase focus on the role communities and civil society can play in improving sustainability and accountability through an increasing 'demand for justice'.

Recommendations for remainder of this phase

The MTR team provides the following recommendations for consideration to the end of the second phase of JSS4D operations. Some guidance on longer term considerations for the next GoA-funded law and justice program are provided in Section 4 below.

Recommendation 1: For this phase (and the next GoA-funded law and justice program), DFAT and GoA should continue to focus on strong development outcomes aligned with GoPNG's strategic priorities around law and justice and addressing FSV and anti-corruption to advance Australian and GoPNG strategic interest.

Recommendation 2: For the remainder of this phase, JSS4D should not use limited MERL Team time to undertake any major update of the MERL Plan or Multi-year Plan. However, there are critical actions that should be taken now in relation to both the MERL system and improving progress reporting (See Annex H).

Recommendation 3: The AHC (DFAT and AFP) continues to have an important role to play, including but not limited to, quarterly FSV meetings to ensure that all GoA programs on FSV are well coordinated, are aligned with accepted GoA policy and strategies on FSV and use evidence-based approaches.

Recommendation 4: In the current phase, JSS4D should maintain the planned 80/20 budgetary division between subnational and national activities. This division can be assured through developing a separate tally of resource allocations. This in turn will provide useful analysis for designing the next stage of the program.

Recommendation 5: In the current phase, JSS4D should maintain its existing provincial focus, except for Enga province where funds should be reallocated for the remainder of this phase.

Considerations for future programming

The MTR team makes a number of suggestions for the new law and justice program which are outlined in section 4 of this report. It suggests the following elements of the current

program should be maintained: a focus on FSV and anti-corruption and the provinces that JSS4D currently works in (with additional considerations for Enga). It suggests a range of opportunities to be explored in designing a new program, or for actioning in the current phase where feasible and opportunities arise.

These suggestions include: using different modalities and engaging new counterparts to drive improved effectiveness, particularly in relation to working with men on FSV; support for increased demand for better justice, and co-funding arrangements; collaboration with the Building Community Engagement in Papua New Guinea (BCEP) Program; increased engagement with young women and men as key justice stakeholders; improving disability access at program offices; actively seeking to employ more people with disability; learning from other programs in the region; and trialling simple gender responsive budgeting tools. It also suggests a decreased emphasis on sole funding of infrastructure. It is suggested that a new program actively advocate for an increase in women in government-funded positions, in particular in the Village Court structure; and seek to employ more Pacific Islander and Papua New Guinean staff in substantive roles.

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List of abbreviations

ABG	Autonomous Bougainville Government
AFP	Australian Federal Police
AGD	Attorney-General's Department
AHC	Australian High Commission
ANU	Australian National University
APR	Annual Performance Report (GoPNG Law and Justice Sector)
ARoB	Autonomous Region of Bougainville
AUD	Australian dollar
BCEP	Building Community Engagement in PNG Program
BPS	Bougainville Police Service
CLRC	Constitutional and Law Reform Commission
COVID-19	Coronavirus
CSEP	Comprehensive Strategic and Economic Partnership
CSO	Civil Society Organisations
DFAT	Department of Foreign Affairs and Trade (GoA)
DFCDR	Department for Community Development, and Religion
DJAG	Department of Justice and Attorney General
DLJS	Department of Law and Justice Services (ABG)
DPO	Disabled People's Organisations
EOPO	End of Program Outcome
FSV	Family and Sexual Violence
FSVAC	Family and Sexual Violence Action Committee
FSVU	Family and Sexual Violence Unit (RPNGC)
GBV	Gender-based violence
GEDSI	Gender Equality, Disability and Social Inclusion
GEDSI CoP	Gender Equality, Disability and Social Inclusion Community of Practice

GoA	Government of Australia (AHC and DFAT)
GoPNG	Government of Papua New Guinea
ICRC	International Committee of the Red Cross/Red Crescent
IO	Intermediate Outcome
IRIP	Issues Response Implementation Plans
JSS4D	Justice Services and Stability for Development Program
KEQ	Key evaluation questions
KRQ	Key review questions
LJS	Law and Justice Sector
LTA	Long Term Advisers
M&E	Monitoring and Evaluation
MEL	Monitoring evaluation and learning
MELF	Monitoring evaluation and learning framework
MERL	Monitoring, evaluation, research, and learning
MTDP	Mid Term Development Plan 2018-2022
MTR	Mid-Term Review
NCM	National Coordinating Mechanism
NGO	Non-Government Organisation
NSO	National Statistics Office
OC	Ombudsman Commission
OECD-DAC	Organisation for Economic Cooperation and Development's Development Assistance Committee
ODE	Office of Development Effectiveness
OMS	Operasiun Mekim Save
OPM	Oxford Policy Management
OPP	Office of Public Prosecutor
PDIA	Problem driven iterative approach
PNG	Papua New Guinea
PNG-APP	Papua New Guinea Australia Policing Partnership

PPE	Personal protective equipment
QTAG	Quality and Technical Assurance Group
RPNGC	Royal Papua New Guinea Constabulary
SARV	Sorcery-Accusation Related Violence
SCAD	Serious Corruption and Dishonesty Unit (in OPP)
SHP	Southern Highlands Province
SPGM	Strategic Program Governance Meeting
SSF	Sector Strategic Framework
STA	Short Term Advisers
ToC	Theory of Change
UNICEF	United Nations International Children's Emergency Fund
UNODC	United Nations Office on Drugs and Crime
USD	United States dollar
VCLM	Village Courts and Land Mediation
VCLMS	Village Courts and Land Mediation Secretariat
VfM	Value for Money

1 Introduction

1.1 Background

QTAG has been commissioned to undertake an MTR of Phase 2 of the Government of Australia (GoA) funded Justice Services and Stability for Development (JSS4D) program. This MTR focusses on the performance and outcomes of the program between January 2021 and October 2022 and will provide some insights towards the design of the next GoA Law and Justice program in Papua New Guinea (PNG).

JSS4D works with Government of PNG (GoPNG) national law and justice sector (LJS) agencies, their partners, and stakeholders in 5 priority provinces: Southern Highlands Province (SHP), Hela, Western Province, Morobe, Enga, and the Autonomous Region of Bougainville (ARoB). The End of Program Outcomes (EOPO) sought by the program are:

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- EOPO 3: Common Priorities: Demonstrated improvements in accessibility and enforcement in priority areas of family and sexual violence (FSV) and anti-corruption.²

Specific programming is also dedicated to the ARoB, reflecting its unique political status and that support to ARoB is a priority in the Australian development program. The ARoB program component has an office in Buka, and its own EOPOs and intermediate outcomes (IO):

- EOPO B1: Community Justice: Local Level Dispute Resolution and Conflict Mediation Mechanisms in Target Areas are more effective, locally legitimate and available;
- EOPO B2: FSV Women and others vulnerable to FSV increasingly access justice, legal protection and support services;
- EOPO B3: ARoB Law and Justice Services are delivered more ethically and accountably, with a focus on accessibility, quality and service; and
- EOPO B4: A more credible and functioning Bougainville Police Service (BPS) effectively linked to Community Policing and other arms of the ARoB law and Justice System.

JSS4D is delivered through a range of modalities including infrastructure support, capacity development initiatives and technical assistance. The GoA has been supporting sector wide law and justice development in PNG for over forty years. This support has been focussed on institutional strengthening through the course of JSS4D and before that the Papua New Guinea-Law and Justice Partnership.

² Juvenile justice was initially included in EOPO3 but was subsequently moved to EOPO1.

1.2 PNG Law and Justice Context

While Australia has supported the PNG law and justice sector for over forty years, it is recognised the sector still faces numerous challenges. As GoPNG's five-year PNG Medium Term Development Plan III (2018-2022) (MTDP III) notes "high levels of crime and violence despite substantial investments made toward the sector", seeking to address this through Key Result Area 4 of the MTDP III: Improved Law and Justice and National Security, seeking improvement in "...policing, safety and crime prevention, improving access to justice, improve accountability and reduce corruption and improve ability to provide law and justice services".³

Prime Minister James Marape has repeatedly emphasised the importance of PNG addressing its law and order and corruption challenges, also noting the absence of the law and justice sector throughout most parts of the country.⁴ Similarly, the Phase 2 JSS4D Design Update noted in 2020 that:

Papua New Guinea (PNG)'s status as an emerging lower-middle income country has not translated into inclusive development outcomes for its citizens who remain overwhelmingly poor and lack equitable access to government services. PNG remains one of the most challenging development contexts in the world.⁵

In 2021 the National Parliament of Papua New Guinea Special Parliamentary Committee on Gender-Based Violence released their first report, noting that "Gender-based violence (GBV) is ravaging our country, with women and children bearing the brunt of the epidemic of violence which seems to increase every year".⁶ The Parliamentary Committee went on to quote PNG's Demographic and Health Survey (DHS) 2016-2018 which found that:

... 56 per cent of women aged 15-49 have experienced physical violence, and 28 per cent have experienced sexual violence. Eighteen per cent of women experienced violence during pregnancy. Sixty-three per cent of married women between the ages of 15 and 49 have experienced spousal physical, sexual, or emotional violence at some point in their life. Among the women who reported any form of physical and/or sexual violence, and who sought help from anyone, a mere five per cent sought help from the police, five per cent from medical services and just three per cent from social services.⁷

The first parliamentary report (2021)⁸ also noted that the committee was deeply concerned about Sorcery Accusation Related Violence (SARV), that the large majority of SARV cases occur against women and children, and that this violence is often particularly brutal and

³ GoPNG, Medium Term Development Plan III (2018-2022): Securing our future through sustainable economic growth, Volume One Development Planning Framework and Strategic Priorities.

⁴ See e.g., [Address by Prime Minister Hon. James Marape to the 2022 PNG Update](#): UPNG, 20 October 2022.

⁵ JSS4D, 2020. Design Update.

⁶ National Parliament of Papua New Guinea, 2021. Report to Parliament: Part 1 Inquiry Into Gender-Based Violence in Papua New Guinea Special Parliamentary Committee on Gender-Based Violence, 9 August 2021.

⁷ Government of PNG, National Statistical Office (NSO) Papua New Guinea and ICF. 2019. Papua New Guinea Demographic and Health Survey 2016-18. Port Moresby, Papua New Guinea, and Rockville, Maryland, USA: NSO and ICF.

⁸ National Parliament of Papua New Guinea, 2022. Report to Parliament: Part 2 – Final Inquiry Into Gender-Based Violence in Papua New Guinea, Special Parliamentary Committee on Gender-Based Violence, 19 April 2022

sexualised.⁹ The second parliamentary report (2022)¹⁰ noted law reform had progressed to address SARV, with the enactment of amendments to the Criminal Code Act in February 2022 but stated there was much more that needed to be done to address the problem.

In 2021 PNG was ranked 137th out of 180 countries on Transparency International's perceived level of corruption index.¹¹ Although election related violence in the 2022 national election appears to have resulted in fewer deaths than in the last election in 2017, the election itself was seen by many as the worst to date, and close to failed in some provinces.¹² The World Bank's Country Policy and Institutional Assessment data shows that PNG performs poorly in public administration, with the score allocated for quality public administration falling between 2018 (3/6) and 2021 (2.5/6).¹³ Interviews with GoPNG officials and discussions with JSS4D staff confirmed there is little reliable administrative data, even to maintain criminal records and outcomes of legal proceedings.

As one of the most rural nations in the world with remote and inaccessible populations, access to justice is a real and constant challenge. Despite the positive and culturally adapted Village Court system across the nation, for most people access to police or a formal justice system remains out of reach.¹⁴

All justice sector agencies remain chronically and significantly underfunded. As noted by the 2018 MTR: "Government funding is severely constrained, with a significant reduction in corporate and resource tax revenues ...and provinces have extremely limited recurrent budget for service delivery".¹⁵ More recently, the Special Parliamentary Committee on GBV noted that "every part of the justice process remains underfunded and understaffed in relation to addressing GBV".¹⁶ Through interviews with GoPNG and Autonomous Bougainville Government (ABG) agencies, academic analysts,¹⁷ donors to the sector, and JSS4D we heard that funding often does not end up where it is needed, or in sufficient time to allow its expenditure.¹⁸ This chronic underfunding sees JSS4D supporting things such as provincial meeting logistics, printing of forms for Village Courts and supporting the hiring of vehicles and provision of fuel to enable Village Court inspections and audits. With no police recruitment for several years, the shortfall in police numbers continues. Police, Village Court and DJAG Infrastructure is still in poor condition and there is little funding for its

⁹ See also Forsyth, M. 2021. Policing in a relational state: the case of sorcery accusation-related violence in Papua New Guinea, *Policing and Society* Volume 32, pp 611-628.

¹⁰ National Parliament of Papua New Guinea, 2022. Report to Parliament: Part 2 – Final Inquiry into Gender-Based Violence in Papua New Guinea, Special Parliamentary Committee on Gender-Based Violence, 19 April 2022

¹¹ Transparency International, 2021. [Corruption Perceptions Index](#) 2021.

¹² Wood, T., 2022. "What went wrong with the 2022 elections in PNG?", DevPolicy Blog 19 August 2022.

¹³ World Bank, Country Policy and Institutional Assessment for Papua New Guinea.

<https://databank.worldbank.org/source/country-policy-and-institutional-assessment>

¹⁴ Walton, G. and Dinnen, S. 2022. "Crime and Corruption in Papua New Guinea" in Stephen Howes and Lekshmi N. Pillai (eds) *Papua New Guinea: Government, Economy & Society 2022* ANU Press pp. 87-122.

¹⁵ QTAG, 2018. Mid-term review: Justice Services and Stability for Development (JSS4D) 26 October 2018.

¹⁶ National Parliament of Papua New Guinea, 2022. Report to Parliament: Part 2 – Final Inquiry into Gender-Based Violence in Papua New Guinea, Special Parliamentary Committee on Gender-Based Violence, 19 April 2022

¹⁷ See e.g., Walton, G. and Hushang, H., 2022. PNG anti-corruption funding update, Devpolicy Blog; and Walton, G. and Dinnen, S. 2022. "Crime and Corruption in Papua New Guinea" in Stephen Howes and Lekshmi N. Pillai (eds) *Papua New Guinea: Government, Economy & Society 2022* ANU Press

¹⁸ See also National Parliament of Papua New Guinea, 2022. Report to Parliament: Part 2 – Final Inquiry into Gender-Based Violence in Papua New Guinea, Special Parliamentary Committee on Gender-Based Violence, 19 April 2022

maintenance. The MTR team heard committed staff spend their weekends cleaning and maintaining their offices.¹⁹

Despite the shortfall in resources available to LJS agencies, there are signs of positive change. There is increased coordination across the sectoral agencies. The legislative framework has strengthened with an increased focus on FSV. The introduction of FSVUs in PNG has made a real difference to many survivors of violence. The MTR team concurs with researcher Fiona Hukula who has noted that “...there are stories of hope in the work of committed community-based organisations”,²⁰ and in the commitment and capacity of many dedicated staff across the LJS.

Clearly, there are many ongoing challenges and, at times a failure to see adequate progress towards a functioning LJS in PNG. While there is no doubt that policing and access to justice have improved over this time, as Walton and Dinnen note:

...the fact that assistance continues to revolve around training and advising around broadly the same set of issues after more than three decades suggest limited impacts rather than major transformation.²¹

The MTR team recognises, however, that strengthening institutions is a long-term endeavour – the work of decades.²² Nevertheless, there are serious and emerging challenges including increases (in number and geographical spread) in SARV, chronic problems such as FSV and election violence, and the continuation of tribal fighting. As PNG approaches its fiftieth year as a nation, it is more important than ever that GoA stays the course in its support for the PNG LJS.

1.2.1 Responding to COVID-19

The impact of COVID-19 in PNG has been significant, compounding existing challenges. JSS4D, with limited available staff, was able to respond quickly by pivoting the program to ensure staff safety and enable partners to continue to function in a safe manner. JSS4D provided support to ensure that FSVUs and safe houses were deemed an essential service under COVID-19 lockdowns and therefore continued to operate; built isolation facilities at the largest prison in PNG to reduce COVID-19 risk; and provided training and support to village courts and communities on COVID-19 awareness and Personal Protective Equipment (PPE). They introduced remote training options, supported the courts to use remote technologies for circuits and supported remote training by the Queensland and Victorian Bar Associations.²³

¹⁹ Interview, GoPNG.

²⁰ Hukula, F. 2020. “Addressing gender-based violence in Papua New Guinea” *East Asia Forum* 10 September 2020

²¹ Walton, G. and Dinnen, S. 2022. “Crime and Corruption in Papua New Guinea” in Stephen Howes and Lekshmi N. Pillai (eds) *Papua New Guinea: Government, Economy & Society* 2022 ANU Press pp. 87-122.

²² The World Bank, *World Development Report* 2011 pp. 84-92.

²³ Information provided by AHC, 27 October 2022.

1.3 JSS4D Investment Profile

Building on over four decades of Australian development support for the LJS in PNG, JSS4D is an eight year, AUD151 million program, delivered in 2 phases, aimed at strengthening sector wide law and justice services. The program is funded by the DFAT and is implemented by DT Global.²⁴ The program completed Phase 1 from 2016 to 2020 and is currently in Phase 2 which runs from January 2021 – December 2023. The second phase represents an investment of AUD59 million. The program budget is presented in Table 1.

Table 1: JSS4D Program Budget

FY 2020/21 Actual	FY 2021/22 Actual	FY 2022/23 Forecast	FY 2023/24 (To Dec 2023) Forecast 6 months
AUD13,814,045	AUD16,000,000	AUD18,500,000	AUD7,876,667

There was an underspend in the first year of Phase 2, largely due to the impact of COVID-19, which saw staff working from their home bases (in PNG and internationally), as well as ongoing security issues in many areas, which led to some activities such as provincial visits, meetings, and workshops often unable to proceed or with reduced numbers for social distancing. There was also a reallocation of funds to respond to the pandemic. Activity costs are decided by the Strategic Program Governance Meeting (SPGM), GoPNG's LJS coordinating mechanism, delivering closer ownership by GoPNG.

The aim of the program is to allocate 80 per cent of funding to subnational priorities, with 20 per cent to be spent on national level priorities. The JSS4D leadership advises that this is likely to be largely achieved, although this is difficult to assess, given challenges in allocating the work on EOPO3 (Common Priorities) to either national or provincial level.

The program employs a range of modalities. 30 per cent of the program funds are devoted to personnel fees and adviser support costs. In addition to the leadership team, there are currently 19 advisers with the program, with a mixture of Long-Term Advisers (LTA) and Short-Term Advisers (STA). Some advisers are funded through the core staffing costs rather than through the advisory budget.

Around 30 per cent is allocated to infrastructure costs (over the life of the program). The balance funds training, funding for a limited number of civil society organisations (CSOs) including the Nazareth Centre in Bougainville and logistics and overhead costs.

To date monitoring and evaluation (M&E) costs account for around three to four per cent of the total JSS4D budget and nearly seven per cent of program activity costs in 2021/22, and over eight per cent of program activity costs for 2022/23. We understand the intention from the JSS4D Monitoring, Evaluation, Research and Learning (MERL) team is that M&E should increase to 10 per cent of program activity costs.

²⁴ On 30 June 2022 DT Global announced completion of acquisition of Cardno International Development, who had previously implemented JSS4D.

2 Review methodology

2.1 Purpose and use of MTR

JSS4D is due to end in December 2023 and DFAT will commence a design in early 2023 for a new law and justice program in PNG, to commence in January 2024. To support the final year of JSS4D implementation and provide some insights into directions for a new law and justice program, DFAT has commissioned this MTR.

The key audience for this review is DFAT (both AHC, Port Moresby and in Canberra) and the JSS4D team. Findings will also be shared with GoA, GoPNG and ARoB LJS stakeholders. The scope of the review is focused on JSS4D Phase 2, which started in January 2021, until the time of the review (October 2022). As a result, the purpose of the JSS4D review is two-fold:

1. Provide an independent assessment of progress to date, including recommendations for the remainder of implementation; and
2. Provide some recommendations and areas of insight for the design of the new GoA-funded law and justice program.

2.2 Review Scope

The review focuses on the Organisation for Economic Cooperation and Development's Development Assistance Committee (OECD-DAC) criteria of relevance, effectiveness, efficiency, sustainability and gender equality and social inclusion.²⁵ It provides evidence of achievements and identifies learnings and suggest areas for improvement. The most recent external review was conducted in 2018.

2.3 Key review questions (KRQs)

An initial list of questions was provided in the Terms of Reference (Annex C). For clarity of the review, the MTR team streamlined the KRQs (as agreed to by the AHC) and are presented in Table 2.

Table 2: KRQs

#	Key Review Questions	Focus Area
1	To what extent is the program aligned with GoA and GoPNG priorities?	Relevance
2	To what extent is JSS4D achieving its intended outcomes?	Effectiveness
3	To what extent has JSS4D achieved results in gender equality and disability inclusion?	Gender Equality, Disability and

²⁵ While OECD-DAC criteria also include impact and coherence, these were not explicitly included in the ToR for this MTR.

#	Key Review Questions	Focus Area
		Social Inclusion (GEDSI)
4	To what extent has JSS4D been delivered in an efficient manner?	Efficiency
5	To what extent are JSS4D program outcomes sustainable?	Sustainability

The KRQs were further developed into sub-questions and presented in an evidence matrix as part of the Review Plan (at **Annex D**).

2.4 Methodology

Evidence for the review was largely qualitative, based on document review, semi-structured interviews, and group discussions. The MTR team followed a purposive approach to sampling, as this allowed the team to gather qualitative responses, which leads to better insights and more precise research results. To the extent possible, evidence was triangulated from documentary sources and multiple interviews, in line with evaluation best practice. We note however, that the geographic and thematic spread of the program means that the number of respondents knowledgeable about details of specific initiatives was limited in the time available. Evidence of moderate strength or above is required to inform decisions and recommendations. Where the review team was required to use weak evidence due to a paucity of sources, this is indicated in the review.

The review findings are also based on contextual analysis of the governmental, technical, and political environment in which JSS4D operates. This includes a holistic perspective of the relevant policies, institutions, and processes that JSS4D operates in, as well as the cultural, social, environmental, and economic aspects of law and justice in PNG. In addition, the analysis is grounded in best practice from around the Pacific region in justice programming, based on the review team's expertise in this area.

2.5 Data collection and analysis

The review was conducted between July and October 2022, with in-country consultations occurring between 22 August and 7 September 2022. The review commenced with introductory discussions with key stakeholders, refinement of data collection tools, methods, and development of consultation lists based on recommendations of the AHC, JSS4D, QTAG and through the networks of the MTR team. It also involved remote consultations with JSS4D and AHC, as well as desktop review of documentation. A total of 74 documents were reviewed over the course of the MTR. This included documents from GoA, GoPNG, ABG, JSS4D and various analytical and academic documents.

A review plan was delivered prior to the commencement of in-country fieldwork. Fieldwork involved consultations in Port Moresby, as well as visits to ARoB (25-27 August) and Morobe Province (29-30 August). A total of 97 consultations were conducted with representatives of the GoA, GoPNG at national and provincial level, ARB, RPNGC, BPS,

other donors, JSS4D and its managing contractor, independent academics and CSOs.²⁶ The team met with 20 people in ARoB and with 10 people in Lae. Locations were chosen based on access, security, and adequacy of evidence of the diversity of JSS4D's provinces. The team presented an Aide Memoire at the end of the fieldwork to the AHC the JSS4D team and relevant stakeholders across GoPNG and feedback was incorporated into preparation of the report. Analysis and synthesis occurred against the evidence matrix (included in Annex D.) resulting in the delivery of draft and final versions of the review.

Identification of key stakeholders was done in collaboration with the AHC and the JSS4D team. Effort was made to ensure a diversity of perspectives, including those from marginalised communities, non-urban areas, and people with disabilities. A full list of people consultation can be found in Annex A.

2.6 Limitations

Table 3: Potential limitations for the review

Risk / Limitation	Explanation	Impact on Review
Proximity to the 2022 PNG National Elections	Fieldwork was delayed to the extent possible to ensure both safety of the review team and access to key political stakeholders.	Largely mitigated
The MTR team did not visit all JSS4D's priority provinces.	This was partly due to security concerns in some provinces (e.g., Enga) and due to realistic length of the fieldwork mission.	Documents and some light touch consultation was conducted for some provinces that were not visited to capture some additional perspectives for the review.
The MTR team was not able to interview all relevant stakeholders in the time available, especially in ARoB.	Despite best efforts to schedule meetings with key stakeholders, they were not always available, and poor telecommunications hampered phone interviews.	The MTR team achieved good coverage of stakeholders given time and telecommunications challenges.
The wide geographical, departmental, and thematic spread of JSS4D means the number of respondents knowledgeable about specific initiatives of the program was frequently limited.	This limited the opportunities for extensive triangulation.	The MTR team sought to undertake triangulation of documentary evidence with information collected from interviews and group discussions to the extent that it was possible in the time available.
Shortcomings in the MERL system has limited the ability of the MTR team to fully assess progress against	See Section 3.2	The review team has fully explained this issue in the report, made best efforts to assess EOPOs and IOs to the

²⁶ The MTR Team considered meeting with beneficiaries of FSV programming but considered that it was not possible to do so and implement Do No Harm principles.

Risk / Limitation	Explanation	Impact on Review
EOPOs and intermediate outcomes (IO).		extent possible, and provided comprehensive recommendations for improvement.
Delay in production of JSS4D MEL products and availability of other key documentation	JSS4D MEL products were intended to contribute to evidence for the MTR. Some JSS4D, GoPNG, and PNG-APP documents were unavailable for review.	Mostly mitigated with the usage of other evidence sources. Where unable to be mitigated, this is signposted in the findings.

3 Key review questions

3.1 KRQ 1: To what extent is the program aligned with GoPNG and GoA priorities?

3.1.1 To what extent is JSS4D strategically important to GoPNG development priorities and the Australian national interest?

Key findings

JSS4D remains aligned with GoPNG development priorities as expressed in the Vision 2050 statement, including improvements in governance, service delivery and law and order; and the MTDPIII including improvements in policing, safety and crime prevention, access to justice, accountability, reduced corruption and ability to provide law and justice services.

JSS4D remains strategically important to the Australian national interest by supporting our nearest neighbour to achieve the goals of the Comprehensive Strategic and Economic Partnership (CSEP) and its own strategic priorities.

The JSS4D program develops relationships with, and enables access to, key GoPNG stakeholders providing a broader foundation for mutual understanding between the two countries going beyond the content of a law and justice program.

PNG's long-term vision and goals for national development are embedded in the five National Goals and Directive Principles of the Constitution, its Vision 2050 statement and the Development Strategic Plan 2030. The five-year PNG MTDPIII and its eight Key Result Areas are intended to align with and advance these goals. Key Result Area 4 is "Improved Law and Justice and National Security", aimed at improving "...policing, safety and crime prevention, improving access to justice, improve accountability and reduce corruption and improve ability to provide law and justice services".²⁷ As noted previously, recently re-elected Prime Minister Marape has stressed that law and order is a key priority. This is also reflected in his creation of the new Ministry of Internal Security, bringing together police and corrective services to improve coordination.

In 2020, the GoPNG and GoA entered into the CSEP, which aims to integrate development cooperation as an enabler of broader economic and strategic objectives. It centres on six pillars: Strong democracies for a stable future; Close friends, enduring ties; Economic partnership for prosperity; Strategic cooperation for security and stability; Social and human development; and Near neighbours, global partners.²⁸ JSS4D responds most directly to the fourth pillar of CSEP, but this underpins support for all six pillars.

The sustained partnership between Australia and PNG and attendant relationships and understanding are deep and positive. Secretary of DJAG Dr Kwa referred to the relationship between GoPNG and GOA as being unique in National Coordinating Mechanism (NCM) discussions with the MTR team. The access to senior leadership and understanding of the

²⁷ GoPNG, Medium Term Development Plan III (2018-2022): Securing our future through sustainable economic growth, Volume One Development Planning Framework and Strategic Priorities.

²⁸ Papua-New Guinea Australia Comprehensive Strategic and Economic Partnership signed 5 August 2020.

situation on the ground in some of PNG's most inaccessible provinces demonstrates the relationship that GoA and GoPNG have had for over a century. This is a precious resource for each nation. If good development practice that is technically sound, politically informed, iterative and responsive continues to be followed the Australian, as well as PNG national interest will benefit from the results achieved. There is no need to focus the program to achieve any particular national interest results beyond those development outcomes.

JSS4D's focus on FSV aligns with both GoPNG and GoA priorities. It reflects GoPNG's prioritisation of eliminating violence through its Papua New Guinea National Strategy to Prevent and Respond to Gender Based Violence 2016-2025. The Strategy's goal is to "...prioritize the prevention of and response to Gender Based Violence to enable a quality of life without fear of violence".²⁹ Gender equality is also established as a priority for GoPNG, through commitments included within the PNG Constitution, Vision 2050, the Gender Equality and Women's Empowerment Policy, Goal 5 of the Sustainable Development Goals, the Convention Against All Forms of Discrimination Against Women and the national Medium-Term Development Plan 2018 – 2022 which outlines 3 gender equality priorities.³⁰ This aligns with DFAT's *Gender Equality and Women's Empowerment Strategy* which notes, "...promoting gender equality is integral to advancing Australia's national interests and reflects Australian values of fairness and substantive equality";³¹ as well as Australia's development strategy *Partnerships for Recovery: Australia's COVID-19 Development Response*, which commits the Australian Government to maintaining strong support and advocacy for initiatives to enhance gender equality and address gender-based violence and to invest in gender equality and women's economic empowerment.³²

The MTR team consider the program is properly focussed on the binding constraints of the LJS – family and community safety, the critical role of Village Courts and Land Mediation (VCLM) and addressing structural failures such as anti-corruption. A system that can protect women and children from FSV is a system that works. Likewise, any system that can withstand corruption is working well.

In the design of the next GoA-funded law and justice program, there are opportunities to explore further opportunities for PNG and Australia's First Nations communities to learn from each other to strengthen access to justice in culturally appropriate ways, in line with new GoA foreign policy directions.³³

²⁹ Government of PNG, 2016. Papua New Guinea National Strategy to Prevent and Respond to Gender Based Violence 2016-2025 p. 13.

³⁰ GoPNG, 1975. Independent State Of Papua New Guinea Constitution, Preamble; GoPNG, Medium Term Development Plan III (2018-2022): Securing our future through sustainable economic growth, Volume One Development Planning Framework and Strategic Priorities.

³¹ DFAT, 2016 Gender Equality and Women's Empowerment Strategy, Canberra.

³² DFAT, 2020. Partnerships for Recovery: Australia's COVID-19 Development Response.

³³ AHC notes that there are currently linkages in the learning and leadership pillar with an Australian Indigenous company providing some trainings.

Recommendations for this phase

Recommendation 1: For this phase (and for the next GoA-funded law and justice program), DFAT and GoA should continue to focus on strong development outcomes aligned with GoPNG's strategic priorities around law and justice and addressing FSV and anti-corruption to advance Australian and GoPNG strategic interest.

Considerations for future programming

The design team for the next GoA-funded law and justice program should explore opportunities to build Indigenous-to-Indigenous learnings into the program, in line with new GoA foreign policy directions.

3.1.2 To what extent are the design and governance mechanisms relevant in the current operating environment?

Key findings

The JSS4D Phase 2 design mechanisms for the program remain relevant in the current operating environment, although the benefits of some mechanisms such as introduction of multi-year IRIPs, an increase in MERL and clear reporting and building of coalitions for change are yet to be fully realised.

The JSS4D governance mechanisms currently in place provide an appropriate balance of ownership and oversight, with evidence of improved coordination.

JSS4D is responsive to need and flexible, particularly at the sub-national level. This has enabled the program to deliver innovative solutions.

At times responsiveness to PNG priorities has left the program thinly spread and liable to be pulled in different directions. However, the program has largely managed to address the risks to effectiveness and sustainability.

In 2018 the previous JSS4D MTR found that the program was working well,³⁴ with key recommendations informing the design update process that took place in 2020. Key changes in Phase 2 included rebalancing the program to focus more on subnational delivery, reconfiguring outcomes to reflect national/subnational groupings, introduction of IRIPs, an increased focus on sustainability, increasing MERL, simplified and more analytical reporting, leveraging additional resources for inclusive justice services (including leveraging private sector resources) and accompanying the Bougainville LJS through the transition period.³⁵

This MTR team finds that the Phase 2 design mechanisms remain relevant in the current operating environment, although the benefits of some mechanisms are yet to be fully realised. The reconfigured national /subnational outcomes and an increased focus on subnational delivery remains highly relevant with an allocation of 80 percent to the subnational level, reflective of the 80 per cent of PNG's population living in rural areas. This is discussed further in Section 3.4.2.

The JSS4D Phase 2 Design Update emphasises an approach of adaptive implementation through joint problem-solving, the individual IRIPs are premised on 7 key identified

³⁴ QTAG, 2018. Mid-term review: Justice Services and Stability for Development (JSS4D) 26 October 2018.

³⁵ DFAT, 2020. Justice Services and Stability for Development Program Investment Design Update.

problems,³⁶ and the recent JSS4D draft MERL Strategy³⁷ emphasises articulating a problem-focussed rationale for JSS4D's work and undertaking iterative, evidence-based analysis. A Problem Driven Iterative Approach (PDIA) is important for sector wide programs such as JSS4D with inevitably limited budgets. However, the MTR team suggests that the full potential of this approach is yet to be realised. PDIA is often described as comprising 4 key principles:

1. Local solutions for problems that are nominated and prioritised locally.
2. Promoting widespread testing of different approaches rather than a single cookie-cutter solution.
3. Setting up feedback loops where experiential learning leads to continuous improvement.
4. Scaling up learning processes to share success cases and adapt them to local contexts.³⁸

It is the view of the MTR team that JSS4D has achieved the first principle (and partially achieved the second and third principle) through the Program and SPGM jointly engaging in identification of key thematic areas to be addressed, now manifest in the IRIPs; further supporting localised planning at the provincial level and some feedback through training and mentoring. However, principles 3 and 4 involving feedback loops and learning processes could be further realised. This can be addressed with a renewed focus on the research and learning aspects of the MERL and improved sharing of learnings and research for the benefit of the program and the broader sector and is discussed further in Section 3.2.1.

One of the strengths of JSS4D is its responsiveness and flexibility to partners' needs, particularly at the subnational level. This has enabled the program to deliver innovative solutions, such as the approach in SHP to providing materials to the Provincial Government for them to build Village Court infrastructure, thereby enabling a cheaper build and encouraging greater ownership of the project.

The Phase 2 Design Update noted the importance of coalition building and that "the subnational focus of the Design Update offers the opportunity to extend the reach and influence of networks and coalitions at the community level", as well as encompassing work on FSV and anti-corruption. In relation to FSV it expected this to entail building advocacy skills and confidence around FSV issues and inclusion of male advocates, with a multi-layered approach requiring support from agencies and organisations at all levels within PNG society. This was to build on successful JSS4D coalition building work in Phase 1 to address specific local challenges. This recognised approach of building coalitions for change remains highly relevant and is evident in JSS4D's work on FSV, with the GEDSI Community of

³⁶ The 7 issues identified were: i. Lack of consistent strategic leadership and management across the sector; ii. Lack of sector strategy to promote inclusive law and justice services; iii. Lack of oversight of performance in the sector against GoPNG identified indicators; iv. Lack of coordination and monitoring of performance of Village Courts and Land Mediation in a consistent manner and ineffectiveness of Village Court Officers and Land Mediators; v. Lack of a coordinated approach to empowering communities to address law and order issues themselves; vi. FSV prosecutions not effectively concluded; and vii. Corruption.

³⁷ The MERL Strategy provided to the MTR team is designated as draft. The AHC advises this was approved in 2021.

³⁸ The World Bank, 2017. *The Easy Part of Development Is Over (and the Easy Part Wasn't Actually That Easy)*.

Practice (CoP) and in the Women in Leadership work. Extending this work further to build demand for better justice, in particular at the subnational level is the next logical step.

An increased focus on sustainability remains key to Australia's support to the LJS in PNG. Overall, underfunding of key law and justice services by GoPNG particularly at the provincial level remains a risk to sustainability. Key indicators of improved sustainability to date and considerations for improving sustainability in the future are considered further in Section 3.5.

Where possible JSS4D continues to strengthen private sector engagement. This includes funding of the Hela Advisor position through Exxon Mobil PNG and maintaining strong business contacts with organisations such as the Lady Lioness Club in Lae to mobilise initiatives beyond the program scope. Involvement of the private sector in JSS4D's leadership programming has also proved beneficial as it helps facilitate important conversations and learnings in relation to leadership challenges and opportunities within PNG and provides for networking and collaboration between senior women across the public and private sectors.³⁹

Accompanying the Bougainville LJS through a transition period remains highly relevant following the outcomes of the non-binding 2019 referendum. Australia continues engaging closely with GoPNG and ABG on how Australia can best support the post-referendum consultation period, with extensive resources having been provided through JSS4D including a transition adviser, a Strengthening Bougainville Justice Adviser, a legislative drafter, a family law specialist, and police and correctional services advisers. The ultimate outcome will be determined by a vote in the PNG National Parliament. However, both the GoPNG and ABG LJS are proceeding with plans for the handover of powers and the LJS is the most advanced sector in those preparations.

The governance mechanisms from Phase 1 were continued into Phase 2 and interviews with GoA and GoPNG personnel suggest they remain relevant for GoA and GoPNG going forward, with evidence of improved LJS coordination. Interviews with GoA and GoPNG officials, together with progress reporting, suggest improved coordination in many areas (for example through agreement on strategic areas of focus for JSS4D, and through discussions between the Bougainville Law & Justice Coordination Mechanism (BLJCM) and NCM). There are appropriate levels of GoPNG ownership of the JSS4D program through the SPGM and the NCM, enabling dual oversight of budget and activities. JSS4D embeds activities within partner systems to maximise sustainability and value for money. Activities are developed with the SPGM and approved by the NCM. Where possible, JSS4D sought to operationalise or assist with updating existing PNG strategies, e.g., the Sorcery-Accusation Related Violence National Action Plan.⁴⁰ There is consistent nuanced oversight of the JSS4D program through its amply qualified team leader and team of advisers.

³⁹ JSS4D, 2022. 6 monthly report, JSS4D Press releases.

⁴⁰ DFAT, 2022. Annual Investment Monitoring Report, INL816 - Justice Services Stability for Development, for period 1 Jan 2021 to 31 Dec 2021.

3.1.3 If there were more resources, what would be the opportunities that could be addressed?

Key findings

All interlocutors said they would value more support and advice from JSS4D. The work of advisers is particularly appreciated by GoPNG counterparts. Without fail, respondents passed on their thanks to GoA for the development support and pointed to its beneficial effects. Many GoPNG stakeholders told the MTR team they would value increased investment.

Law and justice services in PNG continue to struggle to reach more remote areas. The current phase of JSS4D has largely managed to strike a balance between providing sufficient investment to support GoPNG to strengthen LJS institutions, without displacing core government functions. There remain significant areas of the LJS that would benefit from increased resources. However, JSS4D is able to provide only a modest contribution to the significant LJS needs of PNG and so it remains important that GoA support is well targeted. In significant part due to COVID-19, but also but also reflective of a complex operating environment, JSS4D has experienced an underspend in this phase. However, in the event of more money becoming available in a future law and justice program there are specific targeted areas in which more money could be spent to intensify effectiveness.

The MTR team finds that in relation to the current phase, JSS4D has largely managed to strike a balance between providing sufficient investment to support GoPNG to strengthen the LJS institutions, without displacing core government functions. There remain significant areas of the LJS that would benefit from increased resources.

The MTR team was asked to consider if more resources were available to the next law and justice program what opportunities could be addressed. While continuing to note the required caution about not 'outrunning' GoPNG investment in the sector, the MTR Team considered the following options:

1. increasing intensity of work in the same geographical areas using the same modalities.
2. increasing the number of provinces JSS4D works in.
3. introducing new modalities and counterparts.

The argument for increasing intensity of work in the same geographical areas using the same modalities in the next law and justice sector program design is based on two considerations. Firstly, law and justice services and support do not reach sufficiently beyond provincial capitals in the priority provinces; constrained in particular by inadequate transport and infrastructure. This was particularly apparent in interviews in and about Morobe province, and when discussing the atolls of Bougainville. Secondly, while the program has seen how increasing resources as in ARoB, has led to improved outcomes; it has also been observed that this needs to match a busy government department's absorptive capacity. Infrastructure in particular provides welcome evidence of 'progress' in a program or sector and is much favoured by many counterparts. Clearly there has been some useful targeted infrastructure provided such as FSVUs and refurbished police cells. However, the MTR Team is of the view that the principal constraints of transport and infrastructure are primarily the responsibility of GoPNG and that Australia's investment in this area should be reconsidered in the design of the next GoA-funded law and justice program, as the current arrangements do not promote sustainability. We acknowledge this is a conundrum for Australia.

The argument for increasing the number of provinces that JSS4D works in, for the next GoA-funded law and justice sector program, was made by many national level GoPNG counterparts, with anecdotal evidence provided that Village Courts were functioning better in JSS4D supported provinces; and the comment of a senior RPNGC member that ‘our mandate is to serve all FSVUs nation-wide’ and support is needed for the work across the nation, not just in the priority provinces. While the development need for LJS support nationally is apparent, such a roll-out by JSS4D would obviously entail commensurate funding. The MTR team concluded this is not justified, particularly given the cost of working in the remaining provinces is very high. It is important, also, that GoA development funding is devoted to those areas where there is a political will to reform. There is also benefit in a demonstration effect of the priority provinces. That said, modest extra funding could be used to further socialise lessons learnt through JSS4D’s work more broadly, through additional national level training and seminars when provincial leaders and LJS actors are available, or through sharing regular short guidance or publications on good practice.

Finally, the MTR team considered whether for the next GoA-funded law and justice sector program the design could extend beyond current modalities and introduce new ways of working and new counterparts. This approach could choose from a range of possibilities. In sections below we expand on opportunities to: a) analyse and potentially build upon the work in ARoB on male advocacy and court ordered counselling for perpetrators of FSV (Section 3.3.2); b) support community leaders and organisations as interlocutors on the justice system to help drive demand for better justice from GoPNG (Section 3.5); and c) provide incentives for good practice and introduce bonus payments for GoPNG to step up to its own responsibilities for funding the law and justice system (Section 4). The MTR team concludes that some consideration of these possibilities, utilising new modalities and/or counterparts would be the most fruitful direction for any additional funding in the new law and justice program. The MTR team also considers that these possibilities are worthy of consideration if the current funding envelope is maintained.

Considerations for future programming

The design team may wish to consider new opportunities for Australia to utilise different modalities and engage new counterparts to drive improved effectiveness including (but not limited to) an expansion of support for the male advocacy program/court ordered perpetrator counselling; support for community leaders and organisations to demand improved justice; and financial incentives to encourage good practice or arrangements to match GoPNG financial contributions.

The design team should consider the merits of maintaining, but not expanding, the number of provinces that Australia’s law and justice program works in. They may also wish to consider a decreased emphasis on infrastructure in the interests of increased sustainability.

3.2 KRQ 2: To what extent is JSS4D achieving its intended outcomes?

3.2.1 Is the current MERL fit for purpose?

Key findings

The current MERL system is not fit for purpose and needs to be improved to better inform decision making, produce evidence of IOs and EOPOs, meet DFAT M&E standards and further develop the research and learning components to improve the effectiveness of the sector and program. The intended transition from focusing on output reporting to outcome reporting is not yet complete.

The EOPOs and IOs themselves are realistic and achievable but the attendant activities and targets need to be better matched to the available resources and context.

The JSS4D MELF currently relies too heavily on unreliable/unavailable administrative data and needs to focus more on evaluation studies, including deep dives into the gender equality and safety outcomes through analytical pieces.⁴¹

JSS4D progress reporting of gender data is inconsistent and should be collected, analysed and reported as a matter of course. Similarly, disability data needs to be collected, analysed and reported as a matter of course.

There are further opportunities to improve the clarity of progress reporting.

While the program already has a program logic, there appears to be no awareness in the program of JSS4D's Theory of Change (ToC) contained in Annexes to the Design Update which seeks to explain how a program with limited inputs is expected to produce sustainable change.⁴²

The 2018 JSS4D MTR identified a range of issues with JSS4D Phase 1's M&E approach, aspects of which were contextual and largely beyond the influence of the program, for example, out of date LJS and individual agency reporting, some of which was premised on unreliable foundations, meaning reliable data and analysis was not available. Other observations, within the control of the program, included that:

At a broad level, we found the initiatives' existing M&E systems useful for documenting intervention inputs and outputs rather than for assessing effectiveness or relevance. Most data are transaction or activity based, i.e., people trained, meetings held, etc.⁴³

In the early stages of Phase 2, concerted efforts were made by both AHC and JSS4D to improve the M&E, including through increasing the staffing of the M&E Team. Agreeing 4 priority areas that would be the focus of independent reviews, concentrated efforts for output reporting and establishing a MERL System comprising the following documentation:

⁴¹ The MTR Team notes the usefulness of work such as Putt, J. and Kanan, L., 2021. Family Protection Orders in Papua New Guinea, partially funded by JSS4D. However, the majority of evaluation studies underway were not yet available to review at the time of the MTR.

⁴² Although the terms program logic and theory of change are often used interchangeably, there are some key differences that affect how they are developed and used. The first describes a logical sequence showing **what** the intervention's intended outcomes are while a theory of change includes causal mechanisms to show **why** each intervention component is expected to result in the intended outcomes.

⁴³ QTAG, 2018. JSS4D MTR

- **Monitoring, Evaluation, Research and Learning Plan v4 (MERL Plan)** which includes the Program Logic, a **Monitoring and Evaluation Framework (MELF)**, and details of IRIPs, Program and Activity level Monitoring and Evaluation, an Evaluation and Research Strategy, and the Building of M&E Capacity.⁴⁴
- **Draft Interim Program Plan January 2021–31 December 2023 (As at 30 September 2021) (usually referred to as the Multi-Year Plan)**⁴⁵
- **Twenty-three Issues Response Implementation Plans (IRIPs)**.⁴⁶ These were developed by the lead agency designated for each of seven identified issues, in discussion with relevant agency and provincial representatives and with support from JSS4D.

The MERL Plan contains very detailed information about the processes to be followed for both program level evaluation and activity level monitoring and evaluation. Program level evaluation was intended to occur through a framework of Key Evaluation Questions (KEQ), and the development of rubrics to provide summative assessments of performance jointly by the IRIP Manager, relevant JSS4D advisers and the M&E Manager. It was also intended to draw heavily on contribution analysis, baseline studies, political economy analyses for each province, and Value for Money (VfM) assessments. Most activities under Program level evaluation have not been implemented including development of rubrics, contribution analysis, baseline studies and provincial VfM assessments. Activity Level Monitoring and Evaluation is structured around a series of very detailed IRIPs, with the intention that M&E Managers⁴⁷ quality assure data utilising rubrics and reporting information to ensure it can feed into the MELF, ensure completion of external assessments, compilation of feedback from stakeholders, reflective review of implementation and documentation of key lessons learned. It has been possible to carry out only some of the anticipated activity level M&E. The MELF contains a dizzying array of data sources, key indicators, and targets not all of which are useful measures of program performance.

The Multi-Year Plan covers the governance arrangements; annual planning process; contextual issues; lessons learned; achieving the program's outcomes; gender equality, disability inclusion, safeguards and private sector engagement; program monitoring and evaluation; program media and communications; program management; program activity budget. There is a range of annexes including a Risk Management Matrix for 2021 and a program planning cycle.

The IRIPs are tangible evidence of the new approach to adaptive implementation through joint problem-solving outlined in the Design Update for Phase 2 and have the benefit of being regularly updated and owned by GoPNG partners as much as by JSS4D. They are also the clearest manifestation of a ToC, something absent overall, albeit at the project level. IRIPs provide a summary and rationale; discuss cross-cutting issues, sustainability and risk

⁴⁴ JSS4D, 2021. Monitoring, Evaluation, Research and Learning Plan 2021 (v.4).

⁴⁵ JSS4D, 2020. Draft Interim Program Plan January 2021–31 December 2023 (As at 30 September 2021). The Program Plan provided to the MTR team was designated as draft. The AHC advises that this Multi-Year Plan has been approved.

⁴⁶ Updated by JSS4D in 2022.

⁴⁷ M&E Managers is the term used in the MERL Plan. The current MERL Team is headed up by a Monitoring Evaluation, Research, Learning and Innovation Manager and a team of STA and LTA M&E and communications staff.

management; contain a multiyear workplan; and details of how and what should be monitored and reported.

In addition, a Draft MERL strategy⁴⁸ was developed by the newly arrived MERL Manager in July 2022 which is intended primarily to be an informal guide for the MERL Team and the JSS4D Team Leader but is yet to be fully circulated or approved. This draft strategy is explicit about the need to better “explain what we expect our work to achieve, and the basis for those expectations” through improved problem driven analysis and articulating a ToC.

In some respects, the MERL System meets DFAT M&E Standard 2,⁴⁹ with some exceptions. These are listed in Annex F.

The draft JSS4D 2021 Annual Report⁵⁰ and the 2022 6-monthly report were assessed by the MTR team against DFAT M&E Standard 3 (Progress Reporting) and found in several respects to be compliant. However, some of the standards require further attention and there are additional considerations which would improve clarity of reporting.

The MTR team recognises that JSS4D is taking steps to improve MERL processes, including employing a new MERL team. The MERL Manager began work in July 2022 and is aware of the limitations and issues with the system. The MTR team considered whether the MERL system needs to be overhauled before the end of Phase 2 but concluded that only necessary considerations should be attended to at this stage. Annex H outlines the actions to be considered for the remainder of the current phase.

Recommendations for this phase

Recommendation 2: For the remainder of this phase JSS4D should not use limited MERL Team time to undertake any major update of the MERL Plan or Multi-year Plan. However, there are critical actions that should be taken now in relation to both the MERL system and improving progress reporting (See Annex H).

Considerations for future programming

For the next GoA-funded law and justice program, the design team, in conjunction with the program, should be allocated enough time to conduct an evaluability assessment and review the ToC. The aim should be a tighter, shorter, and more useful MELF.

While a preliminary MELF is likely to be developed by the design team for the next GoA-funded law and justice program, the AHC and the future program should give very serious consideration to engaging experts to take the lead on refining the MELF and developing the next stage MERL Plan, as the resource requirements to do so internally will distract from other tasks.

⁴⁸ JSS4D, 2022. Draft MERL Strategy.

⁴⁹ DFAT, 2017. DFAT Monitoring and Evaluation Standards April 2017.

⁵⁰ Although we were advised by the AHC that this has been finalised, the final version of this report had not been made available to the MTR Team at the time of writing.

3.2.2 To what extent is JSS4D achieving its EOPOs and IOs?

Key findings

Several factors continue to confound assessment of JSS4D progress against EOPOs and IOs.

In the absence of defined and measurable indicators and targets (for 2022 and 2023), JSS4D annual and six-monthly reports seem to have made largely reasonable assessments of progress against the EOPOs and IOs.

However, for IO 2.1 Village Courts and Land Mediators deliver inclusive, accessible, and effective services in targeted areas the MTR Team was unable to be satisfied that adequate progress is being made. While it is possible that adequate progress is being made, this was not clear due to a combination of very challenging circumstances delaying activities in many of the provinces, confusing reporting, difficulty aggregating varied activities across provinces and insufficient information currently available to the MTR team.

The MTR Team also assesses that programming in Bougainville may be progressing better than JSS4D's internal assessment for EOPO B1, and EOPO B2; although the JSS4D assessment is correct for EOPO B3 and EOPO B4.

As outlined above in KRQ 2.2, determining whether JSS4D is making appropriate progress towards its EOPOs and IOs remains very challenging due to a range of factors. The most critical is that appropriate progress must be measured against something. The lack of targets for 2022 and 2023 in the MELF and the accompanying lack of alignment and connection between targets in the MELF and targets in the IRIPs is a major obstacle. This is complicated further by:

- Lack of awareness of the ToC contained in the JSS4D Design Update that hypothesises how limited inputs/activities/outputs are expected to achieve outcomes.
- Non-availability of many nominated data sources in MELF.⁵¹
- Delays in obtaining key external and internal evaluation/research reports.⁵²
- Insufficient quality of some internal evaluation reports.
- Diversity of program activities across numerous locations inevitably means there is limited documentation and consequent limited opportunities for triangulation of evidence.
- Aggregating provincial results across IOs is complicated by different approaches/activities in different provinces/ARoB (See for example, Annex I).

⁵¹ Examples of data sources nominated in the MELF that are not yet available are many and include (but are not limited to) Sector and Agency Reports, Most Significant Change stories, Significant Instances of Policy and Systems Improvement stories, Internal evaluation of pilot service charter operations, Disability Study, Evaluation of the Bougainville Juvenile Justice Officer Training Program, and Internal study on Investigating and Prosecuting Family and Sexual Violence Cases by the Office of the Prosecutor.

⁵² JSS4D has commissioned several key evaluative studies, some of which are not finalised/ delayed and therefore not available to the MTR Team including Community and Business Perceptions of Crime and Safety (Tanorama and Square Circle); and Evaluation of land mediation training and Local Land Court mentoring in ARoB (Square Circle). Other reports are scheduled to be completed shortly after the MTR is finished and include Family and Sexual Violence in PNG: Analysis of outcomes and impact of JSS4D support for the Law and Justice Sector 2016-2022 (Sustineo and Anglo-Pacific); and Village Court and Land Mediation Study (Sustineo and Anglo-Pacific). In addition, JSS4D audit and inspection data/reporting on Village Courts was requested but not provided.

- When change occurs, as is appropriate in a flexible program, activities and expected outputs and outcomes sometimes “disappear” rather than changes being noted and explained in progress reporting.

Given the shortcomings of the MELF it is not surprising that JSS4D has not reported against all MELF targets and has “made do” in their reporting as much as is possible. This does mean that JSS4D relies too much on output, or even input, reporting.

In Table 4 we compare JSS4D’s own assessments of progress against EOPOs and IOs with a summary of the MTR teams’ provisional assessment, subject to the limitations already described. Further detail is provided in Annex G. The MTR team assesses that in the absence of 2022 and 2023 targets, JSS4D annual and six-monthly reports seem to have made largely reasonable assessments of progress against the EOPOs and IOs. However, for IO 2.1, the combination of very challenging circumstances, confusing reporting and insufficient information currently available (see further detail below) meant the MTR team was unable to be satisfied that adequate progress is being made. While there is a need to adapt activities to circumstances, there is a sense that activities for IO 2.1 and IO 2.2 are somewhat piecemeal. The MTR team hopes the forthcoming Sustineo and Anglo-Pacific report on the Village Court and Land Mediation Study can cast further light on adequacy of progress. There may also be benefit in considering the applicability of recommendations of the Special Parliamentary Committee on Gender Based Violence which contains extensive recommendations on improvements to the functioning of Village Courts.⁵³ The MTR Team also assesses that programming in Bougainville may be progressing better than JSS4D’s internal assessment for EOPO B1, and EOPO B2; although the JSS4D assessment is correct for EOPO B3 and EOPO B4.

Table 4: MTR Commentary against EOPOs and IOs (Full Detail contained in Annex G)

EOPO / IO	JSS4D Assessment	Summary of MTR Provisional Assessment
EOPO 1: Law & Justice Agencies Develop and Implement inclusive legal policy	2021 Annual Progress Report: Good progress 2022 6 monthly report: Good progress	Good progress overall: Limited time for GoPNG counterparts to engage due to 2022 election, ongoing COVID-19 impact. See also IO 1.1 and IO 1.2 below.
IO 1.1 Law and justice agencies reviewing and addressing policy and legislative gaps relating to gender equality, disability inclusion, juvenile justice and anticorruption	2022 6-Monthly report: Adequate progress, some risks	Good progress: L&J White Paper Policy, Juvenile Rehabilitation and Reintegration launched, GEDSI community of practice, FPA amendments. Less focus on anti-corruption (see IO 3.2)
IO 1.2 Justice agencies identifying and implementing leadership and	2022 6-monthly report: Good progress	Good progress overall: on leadership programming, nascent efforts on improving M&E capacity of GoPNG law

⁵³ National Parliament of Papua New Guinea, 2022. Report to Parliament: Part 2 – Final Inquiry into Gender-Based Violence in Papua New Guinea, Special Parliamentary Committee on Gender-Based Violence, 19 April 2022

EOPO / IO	JSS4D Assessment	Summary of MTR Provisional Assessment
professional skills and reform priorities		and justice agencies, however reliable M&E data not yet being developed, Annual Sector Performance report not produced since 2014.
EOPO 2: Provinces coordinate local delivery of inclusive and accessible justice services outlined in law and justice plans	2021 Annual Performance Report: On track. 2022 6 monthly report: Adequate progress, some risks	Difficult to fully assess progress: election impacted on all provinces and agencies, several documents not available to MTR team: Sustineo Village Court study, DJAG village court audit, JSS4D village court data, and JSS4D training outcomes. Contextual challenges (staff illness, political context in Enga, increased SARV in Hela, ⁵⁴ environmental access issues in Western). Ongoing limitations of village court officers not being on payroll, and provincial trainings being delayed and failing to prioritise the needs of women and people with disabilities. See also IO 2.1 and IO 2.2 below.
IO 2.1 Village courts and land mediators deliver inclusive, accessible, and effective services in targeted areas	6 Monthly Report: Adequate progress, some risks	Difficult to fully assess progress: JSS4D supported the revitalisation of the Village Court System Strategy. Exceeded 2021 targets for inspections of village courts (no targets for 2022). JSS4D supported 3 audits by VCLMS. Evidence of some ad-hoc improvement to village court quarterly reporting. District Family and Sexual Violence Committee (FSVAC) established in Morobe.
IO 2.2 Local communities prevent and respond to specific safety and security issues	6 monthly report: Adequate progress, some risks	Difficult to fully assess progress: JSS4D supported all priority provinces to produce strategic plans (Enga is currently in draft) and annual plans. In Morobe 30 sector counterparts trained in gender sensitisation and referral. JSS4D supported refurbishment of Buimo Correction Institution, Magisterial Services of Western Province to conduct a District Court circuit and PGOC to settle disputes in SHP.
EOPO 3: Demonstrated improvements in accessibility and enforcement in priority areas of FSV, anti-corruption and juvenile justice	6 monthly report: Adequate progress, some risks	Adequate progress: Challenge of pervasive patriarchal views of FSV throughout PNG, including in the sector. Lack of corporate support and resourcing at Office of Public Prosecution (OPP) which limits effectiveness of prosecution

⁵⁴ IRIP reporting, 2022.

EOPO / IO	JSS4D Assessment	Summary of MTR Provisional Assessment
		work in Serious Corruption and Dishonesty Unit (SCAD) Unit. Lack of data to demonstrate work of police and OPP. Challenging coordination between JSS4D and PNG-APP on FSV initiatives. Lack of engagement from GoPNG on anti-corruption activities outlined in the IRIP. See also IO 3.1 and 3.2
IO 3.1 RPNGC, justice agencies, and inclusive support services (including disability) collaborate on prosecutions of FSV, corruption and youth in conflict with the law	6 monthly report: Adequate progress, some risks	Adequate progress: JSS4D supported development and revision of Police Gender and FSV training curriculum and Standing Orders for RPNGC. JSS4D provided highly valued support to RPNGC and training to OPP, including on child witnesses. JSS4D provided ongoing support to strengthen FSV referral pathways. Greater coordination and collaboration between RPNGC and OPP for more effective FSV prosecution. GoPNG provided increased budget allocation to OPP.
IO 3.2 Justice agency leaders foster administration, cultures, systems, and accountability mechanisms that resist corruption	6 monthly report: Challenging (i.e., inadequate, with significant risks)	Progress has been challenging: Well regarded mentoring being delivered to OPP SCAD, otherwise limited engagement possible.
Bougainville	6 monthly report: Overall assessment is good	Progress good overall: Support for first combined L&J visit to Nissan Islands atoll, 200 km north-west of Bougainville
EOPO B1: Local level dispute resolution and conflict mediation mechanisms are more effective, locally legitimate, and available	6 monthly report: Adequate	Good progress: Twenty percent reduction in backlog of Local Land Court, female Local Land Court Magistrate has been upskilled for hearing Provincial cases, resolution of protracted land cases through GPS following training, increased access to juvenile justice services following training, release from detention and successful reintegration of 23 juveniles.
EOPO B2: Women and others vulnerable to family and sexual violence (FSV) increasingly access justice, legal protection, and support services	6 monthly report: Adequate	Good progress: FSVAC Strategic Plan review, joint training of BPS and safe house staff resulting in increased coordination, Buka Seif Haus, provide services to 199 clients in 2021, Bougainville Women Federation's executive capacity strengthened. Disabled persons associations engaged by ABG to improve services; community leaders supported to tackle SARV.

EOPO / IO	JSS4D Assessment	Summary of MTR Provisional Assessment
EOPO B3: Bougainville law and justice services are delivered ethically and accountably, with a focus on accessibility, quality, and service	6 monthly report: Good	Good progress: SBJ strategy endorsed for the drawdown of L&J services, supported engagement legislative drafter for transfer of powers, supported secondment of ABG legal officer to Constitutional and Law Reform Commission (CLRC) in POM, Construction on track for Bougainville Justice Centre (BJC), opening CS office in Buka, improved WASH facilities at Bekut Correctional Facility, supported 12 village court area inspections.
EOPO B4: A more credible and functioning Bougainville Police Service effectively linked to Community Policing and other arms of the ARB law and Justice System	6 monthly report: Adequate	Adequate progress: Supported Scenes of Crime training for BPS, construction of Buka police cells (with cells for women, children, and disabled people), provided 17 HF Radio systems to BPS.

3.3 KRQ 3: To what extent has JSS4D achieved results in gender equality and disability inclusion?

3.3.1 To what extent does JSS4D programming on sexual violence and Village Courts complement or overlap with other programming?

Key findings

In general GoA programming across their investments in the LJS has been complementary, with some good examples of collaboration between JSS4D and AGD (revisions to the Family Protection Act), JSS4D and Pacific Women on FSV and SARV and JSS4D and PNG-APP (support for public prosecutions, and anti-corruption). Despite best efforts, there remain opportunities for improved coordination between JSS4D and the PNG-APP program, particularly in relation to FSV, to ensure that there is a common evidence-based message across GoA investments.

The JSS4D program is well aligned with GoPNG priorities on sexual violence and Village Courts, and Australian support in this area is well considered by the NCM.

The recent entry of new donors supporting the law and justice sector in PNG increases the requirement for donor coordination. While GoPNG engages in a range of bilateral coordination there are opportunities for improved multilateral coordination and Australia could play an important role, predominantly in the next GoA-funded law and justice sector program, in supporting GoPNG in this area.

This section addresses coordination *within* GoA programming, alignment of JSS4D with GoPNG priorities, and broader donor coordination in the sector. GoA's principal investments in the LJS in PNG occur through JSS4D and PNG-APP and, until recently, Pacific Women

Shaping Pacific Development⁵⁵ (for FSV). GoA support to PNG's LJS also occurs through a range of smaller investments delivered through other agencies including the Attorney-General's Department (AGD), the Federal Court, the Department of Home Affairs, and the Australian Transaction Reports and Analysis Centre (AUSTRAC) and development partners including United Nations International Children's Emergency Fund (UNICEF), International Committee of the Red Cross/Red Crescent (ICRC) and Transparency International. In Bougainville, JSS4D also works closely with the GoA Bougainville Partnership. The MTR team saw good evidence of the collaborative work undertaken by JSS4D and AGD on issues such as amendments to the Family Protection Act; and heard positive accounts of collaboration between the JSS4D and PNG-APP in supporting the OPP. Similarly, JSS4D reports it has historically worked very closely with the Pacific Women program, although this was disrupted to some extent by COVID-19. Both programs have ensured complementarity of activities, and been able to support each other's initiatives on research, referral pathways, the survivor advocacy toolkit and SARV.⁵⁶

We understand the importance of avoiding duplication or confusion with other programming, particularly the forthcoming PNG Women Lead and the nascent Building Community Engagement in PNG Program (BCEP). BCEP focusses on building coalitions led by an energetic PNG CSO, The Voice, and implementing Social Accountability initiatives to build demand for better governance. BCEP has great potential to strengthen support for PNG citizens to demand justice, although it is not yet in a position to support strengthened accountability for the delivery of justice by JSS4D partner agencies. Potential collaborations should be explored in the design of the next GoA-funded law and justice sector program. Similarly, collaboration and coordination with PNG Women Lead will be necessary for the next program.

Two GoA investments (JSS4D and PNG-APP) intersect significantly in provision of support to the RPNGC, with policing remaining a vital but underperforming and under-resourced actor in both the PNG and Bougainville justice systems. Unfortunately, the design for the new stage of the PNG-APP program was not available for the MTR Team to review, so the MTR team's understanding of the future intended focus and areas of complementarity or overlap is limited. While the MTR team, heard of good collaboration between the 2 investments on prosecutions and anti-corruption, the MTR team also observed that there are opportunities for improved coordination on FSV to ensure that there is a common evidence-based message across GoA investments. It is understood that a quarterly FSV coordination meeting established through the AHC has strengthened this collaboration, evidenced in joint training for police and prosecutors, but there remains a role for the AHC (DFAT and AFP) to continue to ensure all programs are aligned with accepted GoA policy and strategies. Coordination between the NZ Police and JSS4D, both providing support to the Bougainville Policing Service, appears to be well coordinated.

GoA remains the principal donor in the LJS in PNG notably through JSS4D and the PNG-APP and, previously on FSV, Pacific Women Shaping Pacific Development. Smaller donor

⁵⁵ The Pacific Women program concluded in June 2022 prior to the MTR in-country visit. The successor program, PNG Women Lead, will build on the successes and lessons of the 10-year *Pacific Women* program to help advance gender equality in PNG, and will include a focus on Violence Prevention and Response.

⁵⁶ The MTR Team were unable to arrange a meeting with the former Pacific Women Team Leader in PNG during their fieldwork.

programming including the EU Partnerships for Good Governance (Euro 26.9m) and Spotlight (USD 24m) (finishing 2023) and the US Global Fragility Act Strategy (USD10m per annum)⁵⁷ are recent entrants to the sector. The MTR Team met with the Program Manager for the Embassy of the European Union and the Foreign Affairs Officer of the United States Fragility and Conflict Bureau, State Department to better understand the plans of these respective donors but heard that the focus of each program is still emerging. As this donor landscape evolves there will be increased requirement for donor coordination.

The launch of the GoPNG Crime Prevention through Revitalising the Village Court System Strategy 2020 – 2030 (supported by JSS4D) is seen as a significant step forward in building access to justice in communities and as a framework for donors, partners, administrations, and others involved in law and justice to help coordinate their efforts towards reducing crime and increasing safety. The NCM made it clear to the MTR team that they appreciate JSS4D alignment with GoPNG priorities in this area, and that they continue to place a unique value on the relationship with Australia and the Australian contribution. Moving forward the NCM will require all donors planning on working on Village Courts to sign up to this Strategy. There have been useful collaborations between UNICEF and JSS4D on Village Court audits, and child witness workshops and media training; and between JSS4D and ICRC on corrections and in programming in the Highlands.

While GoPNG carries out coordination with donors on a bilateral basis, there is currently no overall multilateral coordination of donor efforts across the LJS in PNG. As the donor landscape becomes more complex, there would be benefit to a more holistic approach to coordination which while the responsibility of GoPNG, could benefit from initial support from GoA to this process. We note that there are a range of thematic coordination mechanisms either already in place (e.g., quarterly GoA FSV meetings)⁵⁸ or anticipated (UNODC on anti-corruption) but these are not yet comprehensive across the donor sector. Any development in this area would most likely occur in the new program.

Recommendations for this phase

Recommendation 3: The AHC (DFAT and AFP) continues to have an important role to play, including but not limited to quarterly FSV meetings, to ensure that all GoA programs on FSV are well coordinated, are aligned with accepted GoA policy and strategies on FSV, and use evidence-based approaches.

Considerations for future programming

GoA, through the AHC, could offer to support GoPNG to establish and implement multilateral coordination mechanisms for the LJS. Consideration can be given to whether these should be thematic or whole of sector.

⁵⁷ PNG is one of 5 countries under the United States “Global Fragility Strategy” (GFS), and the United States has committed to at least 10 years of programmatic efforts aimed at lowering violence levels and enhancing conflict-prevention efforts in PNG. For further details see Strouboulis, A., Yayboke, E., Rice, B. and Nzuki, C., 2022. Addressing Fragility in Papua New Guinea, Center for Strategic and International Studies August 2022.

⁵⁸ AHC reports that these meetings which commenced in 2021 have significantly improved coordination.

3.3.2 How transformative and sustainable are JSS4D Gender Equality, Disability, and Social Inclusion (GEDSI) results?

Key findings

JSS4D is a clear and leading example across the Australian development cooperation program of how to integrate gender equality throughout a program. It is a sign of real success that a mainstream law and justice program so deeply integrates gender equality throughout its work.

JSS4D support has contributed to solid movement towards sustainable GEDSI outcomes, particularly in relation to gender equality. There are more women in sector leadership positions, there is agreement to integrate FSVUs into RPNGC structure and there are negotiations to move FSVACs into the GBV Secretariat in DFCDR.

However, as in other areas, the program struggles to provide robust evidence of sustainable and transformative GEDSI results.

There is increasing, sincere recognition of the vital importance of gender equality to PNG's justice system including amongst senior male leaders.

JSS4D is contributing to increased recognition of disability inclusion across the sector, a real achievement in a nation with nascent understandings of disability issues. This has included increased engagement with disabled people's organisations (DPO), a well-regarded workshop in Bougainville, the development of the inclusive communications guide and the recruitment of a dedicated disability adviser.

The basis for this KRQ is an understanding that for GEDSI efforts to be sustainable, they must address the underlying causes of inequality. They need to be transformative.⁵⁹ This is challenging in a country with very poor development outcomes for women reflected in the Gender Inequality Index rating PNG 169 out of 191 countries;⁶⁰ and where the PNG justice system is not meeting the needs of women and girls who are subject to extremely high levels of violence, including FSV and SARV. It is also challenging where justice services do not yet align with either PNG's international commitments on disability inclusion through the Convention on the Rights of Persons with Disabilities or the PNG National Policy on Disability 2015-2025 due to social stigma, resource constraints and lack of awareness;⁶¹ and where CBM have estimated that 98 per cent of 975,000 people with a disability in PNG have no access to support services.⁶²

However, through interviews with GoPNG and JSS4D respondents, the MTR team heard evidence of changes emerging from the program that have a transformative effect. These include:

- More women are moving into senior leadership positions, particularly deputy agency heads, attributed, by those women we consulted, to the mentoring and training by JSS4D staff.

⁵⁹ "[T]o make sure the impacts of efforts are truly sustainable requires that imbalances in power relations between men and women are addressed, as well as the visible and invisible structures and norms that uphold these inequalities. This is what we call transformative change." Hedman, J., Williams, L. and McDonald, L., 2022. "What is Transformative Change for Gender Equality and How do we Achieve it?" *Development Matters Blog*, OECD May 2022.

⁶⁰ UNDP, 2022. Human Development Report 2021-22: Uncertain Times, Unsettled Lives: Shaping our Future in a Transforming World. New York. Table 5 Gender Inequality Index.

⁶¹ DFAT, 2020. Justice Services and Stability for Development Program Investment Design Update Annex 1; GoPNG Department for Community Development and Religion, 2015. PNG National Policy on Disability 2015-2025.

⁶² CBM Inclusion Advisory Group, 2020. Our advisory work in Papua New Guinea.

- RPNGC agreement to integrate FSVUs into the RPNGC structure and allocate operational funding; although funding has not yet been approved by DPM, the agreement is a significant step forward.
- Negotiations to move FSVACs into the Gender Based Violence Secretariat in the Department for Community Development, and Religion (DFCDR) is a useful recognition of the role of FSVACs, along with awareness that they need to be positioned and funded within government but outside the LJS to be able to hold government to account. This also makes for ease of coordination amongst FSV stakeholders and partners.
- There is a significant cohort of senior male leadership that strongly believes gender equality is an important national priority and that FSV is a human rights abuse that should be addressed; this is helping to maintain the LJS focus on FSV.

These developments build on the many years of GoA assistance to the LJS and the MTR team found there has been significant progress over the last decade, particularly in JSS4D, in integrating gender equality, and, more recently, disability and social inclusion across the program. This is very heartening. Far from being an unwelcome adjunct to programming, gender equality and addressing FSV have been placed at the heart of the program.⁶³

Despite this good work towards transformative GEDSI outcomes, the program struggles to provide robust evidence of these outcomes. This is not unusual in development programming since measuring transformative advances towards gender equality is very difficult and measuring attribution even more so. Nevertheless, more could be done to secure evidence of transformative change (see Section 3.2.1).

JSS4D is a clear and leading example across the Australian development cooperation program of how to integrate gender equality throughout a program. This is particularly striking, given there is not a gender adviser who works across the whole program (although there is a FSV and Gender Equality and Social Inclusion Adviser position in the national and common priorities team). This is a testament to the deep and effective integration of gender equality by a committed and expert leadership team.

The following sections elaborate on some observations of the MTR team and consider some options for further promoting transformative GEDSI through the JSS4D program, the majority of these are for consideration for the new program. For the remainder of this phase, JSS4D should continue to integrate gender equality and social inclusion in their programming with a focus on promoting discussions on how inclusion leads to better and more transformative development outcomes.

Gender equality

As noted above, there is good integration of gender equality across the JSS4D program. Two aspects of JSS4D's current work are considered below: work on male advocates and

⁶³ An AusAID review in 2012 of Law and Justice programming noted: "Gender mainstreaming strategies are often treated as one-off contractual requirements rather than active management tools, and the extent to which gender goals are pursued depends on the interests and skills of individual advisers. We conclude that gender equality and gender-based violence deserve greater prominence within Australia's law and justice assistance, given their impact on individuals and families and their significance in achieving other development goals." Cox, M., Duituturaga, E., and Scheye, E. 2012 *Building on Local Strengths: Evaluation of Australian Law and Justice Assistance*, Office of Development Effectiveness.

court ordered counselling for perpetrators; and the role of women in village courts; as well as considerations for future programming.

Anecdotal evidence suggests there are significant results from the court ordered counselling for perpetrators of FSV in ARoB as well as from the work to build a network of male advocates. These have the potential to be powerful and transformative tools to address gender inequality building on work elsewhere in the Pacific.⁶⁴ We feel the anecdotal claims made for this work are compelling, agree that working with men and boys is key, are heartened by this work being based on methodologies from the highly regarded Fiji Women's Crisis Centre and are enthusiastic about the potential for this work to pay dividends. However, we note the comments on court-mandated programs with perpetrators from the 2019 Office of Development Effectiveness (ODE) report on Ending violence against women and girls: Evaluating a decade of Australia's development assistance:

...the global evidence on the effectiveness of court-mandated programs with perpetrators is limited and inconclusive and dropout rates for such programs are high. While there may be demand for such programs, Australia should continue to exercise caution in funding court-mandated perpetrator programs, because evidence suggests that these can do more harm than good.⁶⁵

At present there is little robust evidence to support the anecdotal claims. Given both the potential of these interventions, and the cautions expressed by the ODE report, it would be very useful for JSS4D to invest in MERL funding to investigate the effects of these approaches in JSS4D and elsewhere in PNG through a contracted piece of analysis at the beginning of, or in preparation for, the next GoA-funded law and justice sector program. The MTR team notes that this would support Recommendation 24 of the Special Parliamentary Committee on GBV: *The NGBVS is encouraged to convene organisations working on male advocacy and/or male GBV perpetrator programmes to identify good practice and lessons learned. This knowledge can be used to inform the development of new programmes and/or the scaling up of existing programmes to work with men and boys to prevent GBV.*⁶⁶ JSS4D should continue work in this area for the balance of Phase 2, drawing on the strong and growing cohort of male advocates in PNG and across the Pacific.

While one position is reserved for women of 11 Village Court staff positions in each Village Court, interviews by the MTR team revealed concerning resistance to any greater inclusion of women at both national and provincial government level, including the belief that this could only occur in matrilineal PNG societies and at the provincial level that only one of eleven positions was *allowed* to be held by a woman. Promisingly, the Morobe Provincial Government told the MTR team they were ensuring that female village court staff were in funded positions. Program advisers at both the national and subnational level have a role to play, most likely in the new program, in raising awareness that the one mandated position

⁶⁴ Including the work of the Fiji Women's Crisis Centre and of Non-Government Organisations (NGO) including CARE, which do commendable work on supporting families to scrutinise and amend their own gender norms and behaviours.

⁶⁵ DFAT, ODE, 2019. Ending Violence Against Women and Girls: Evaluating a decade of Australia's development assistance October 2019.

⁶⁶ National Parliament of Papua New Guinea, 2022. Report to Parliament: Part 2 – Final Inquiry into Gender-Based Violence in Papua New Guinea, Special Parliamentary Committee on Gender-Based Violence, 19 April 2022.

does not mean that it is limited to one woman and continuing to promote women's employment as Village Court staff in paid positions. While increasing the number of reserved positions is a matter for GoPNG, the legislated gender balance in AROB local government provides a clear example of best practice.

Various forms of gender responsive budgeting initiatives occur in at least 29 countries at national, sub-national or community levels.⁶⁷ GoA often supports such initiatives in the countries where it works. It is currently considered to be in early stages of development in GoPNG, however it is critical for understanding how the budget benefits women and men separately and its impact on gender equality outcomes. It can be a powerful tool for building transformative change towards gender equality across government. For the next GoA-funded law and justice program, the design team could consider whether introducing simple gender responsive budgeting processes for the LJS in liaison with the National Economic and Fiscal Commission would be beneficial and if so whether this is best pursued through the law and justice program, BCEP and/or the Australia-PNG Economic Partnership (which will be involved with national bodies looking at gender equality through budgeting processes), or the new PNG Women Lead program.

While gender equality is currently well integrated within JSS4D, consideration should be given in the design for the new law and justice program to appointing a national gender adviser who could take a leadership role in extending norms of equality internally across all pillars especially at the subnational level, as well as being available as a resource for GoPNG counterparts.⁶⁸ If this were to be pursued, the adviser should be a PNG national, not only because of the wealth of gender expertise within the country but to provide role modelling to other program staff and counterparts.

We also note that, while JSS4D has a GEDSI strategy, it remains in draft form and does not seem to drive the program's approach. Usually this would signal concerns about the ability of the program to integrate GEDSI principles, but again, the MTR team concluded that the program team is able to integrate these principles into their work because of their high levels of commitment and technical proficiency. In the new law and justice program it would nevertheless be useful for the program to finalise a GEDSI Strategy and ensure that all staff are equally aligned with the strategy and aware of their obligations. This, along with ensuring that gender equality is a central part of the MELF will ensure that the excellent performance on GEDSI is maintained through staff turnover.

Disability

The MTR team considers that while JSS4D is in the early stages of promoting disability inclusion across the LJS, it is delivering strongly to make this change happen. There has been significant work on disability inclusion in this phase, including increased engagement with disabled people's organisations (DPO), a well-regarded workshop in Bougainville, the development of the inclusive communications guide and the recruitment of a dedicated

⁶⁷ UNESCAP, 2018. Gender-Responsive Budgeting in Asia and the Pacific: Key Concepts and Good Practices.

⁶⁸ We note Recommendation 8 of the Special Parliamentary Committee on GBV:

In line with the requirements of the National GBV Strategy, all Provincial Governments should establish their GBV Provincial Coordination Secretariats and provide them with at least one full-time staff member and annual funding to coordinate, drive and monitor provincial GBV activities.

disability adviser. The MTR team met with members of the GEDSI CoP and found the co-chairs are enthusiastic and active, respondents reported it is operating successfully and it has potential to be transformative. The MTR team were pleased to see new constructions supported by JSS4D were mobility accessible, however, observed that JSS4D offices (at least in Port Moresby, Lae, and Bougainville) are not accessible.

The MTR team observed that across the sector, as in other sectors, the levels of awareness of the requirements for disability inclusion, and how to do it, appear low. While many of our interlocutors recognised the need to be sensitive to disability issues, not many were particularly clear on what this might mean for their work. We note Recommendation 15 of the Special Parliamentary Committee on GBV: *Women with disabilities have largely been invisible in GBV policy and planning. The Department for Community Development and Religion (DfCDR)/NGBVS should ensure that women with disabilities are represented on all GBV policy-making and working committees and that current GBV policies and strategies are updated to be more inclusive of people with disabilities.*⁶⁹

For the current phase, JSS4D can usefully continue its current approach to disability inclusion, including rolling out the disability communication guide, supporting the GEDSI CoP and ensuring JSS4D infrastructure is accessible. A consideration for the design of the next law and justice program would be employing a PNG national disability inclusion adviser in order to model inclusive employment practice and assist in supporting integration at both the program and sector level. This should also include an investigation of options for ensuring mobility access to JSS4D offices in order to support the employment of staff with disability and accessibility of the office to people with disabilities.

Broader social inclusion

Prominent Pacific and PNG leadership of the JSS4D program is a real strength, however, there are opportunities, most likely in the new law and justice program, for increased employment of Pacific - and particularly Papua New Guinean - professional staff; as well as professional development for existing JSS4D PNG staff.

The team observed that the program appears to have limited engagement with young women and men as key justice stakeholders. This is something that can be considered in the design of the new law and justice program. Such engagement would improve justice sector sustainability and generational change and increase demand for justice. If pursued, support should align with the National Youth Commission to mainstream youth-led programs at sub-national level.⁷⁰

We note the nascent work that JSS4D has done on juvenile justice, including supporting the Juvenile Rehabilitation and Reintegration Policy, construction of the Juvenile Justice Centre in Bougainville and collaboration with UNICEF. Concerningly, we heard in provincial

⁶⁹ National Parliament of Papua New Guinea, 2022. Report to Parliament: Part 2 – Final Inquiry into Gender-Based Violence in Papua New Guinea, Special Parliamentary Committee on Gender-Based Violence, 19 April 2022.

⁷⁰ For consideration we note previous GoA funded work in the Vanuatu LJS through the Vanuatu Law and Justice Partnership. This work was implemented by Wan Smol Bag and University of South Pacific Law School, running programming with youth in conflict with the law to inform them of their rights, and develop advocacy skills for legal reform.

interviews that young people are being detained with adults, a clear breach of the Beijing Rules on juvenile justice;⁷¹ and that homeless young people are entering the criminal justice system for no crime other than not having somewhere to live. Unfortunately, the MTR Team was unable to visit any of the juvenile justice facilities but were unable to get satisfactory answers on the degree of oversight of these institutions, many being run by third party providers. We conclude that juvenile justice remains an important focus for the new law and justice program.

Considerations for future programming

The program should actively advocate for an increase in the number of women employed in Village Court funded positions and support opportunities to have more equal numbers of women in all government funded positions, including by mandating gender balanced positions.

The program should actively seek to employ more PNG and Pacific professional staff in senior positions, including particularly a national gender equality adviser and a national disability adviser (with lived experience of disability).

The program should finalise a GEDSI Strategy and more comprehensively integrate GEDSI into a new MELF.

The design team could consider how JSS4D could engage more with young women and men as key justice stakeholders. Support should align with the National Youth Commission to mainstream youth-led programs at sub-national level and engage with relevant local or regional organisations.

The design team/program leadership for the new law and justice program could investigate options for ensuring mobility access to JSS4D offices in order to support the employment of staff with disability and accessibility of the office to people with disabilities.

The design team should consider expanding work on male advocacy and court ordered perpetrator counselling, subject to early development of research to verify anecdotal claims of the success of these interventions.

The design team could consider whether there is merit in trialling simple gender responsive budgeting tools to assess the gender effects of government funding across the sector, and whether JSS4D is the best agency to engage with the National Economic and Fiscal Commission on this issue.

3.4 KRQ 4: To what extent has JSS4D been delivered efficiently?

3.4.1 How has the Phase 2 multi-year funding model and the smaller number of activity plans affected program implementation and impact?

Key findings

The multi-year, GoPNG-owned planning embodied in the IRIPs is a positive development, although the program reports that it is hampered by single year (and staggered) GoPNG and GoA budget cycles and the unreliability of GoPNG funding.

The facilitation of improved outcome reporting through the use of IRIPs has not yet been substantially realised.

⁷¹ United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") Adopted by General Assembly resolution 40/33 of 29 November 1985.

Phase 2 of the Program is guided by a multi-year, issues-based planning framework. The framework is the result of a sector-wide, problem-driven planning process in which agencies, provincial representatives and DFAT partners identified common priority issues for the sector to address and developed joint proposals for activities to be implemented over a period of 3 years, manifesting in the 23 approved IRIPs. Individual IRIP M&E Plans were intended to support multi-year outcome-focussed planning and appraisal, and feed into reporting against the MERL.⁷²

This was a promising development and advisers appeared to be more comfortable implementing within the IRIP framework and the multi-year focus it afforded. However, the full potential of this approach has not yet been realised. Factors include:

- The COVID-19 global pandemic and changes in the MERL Team created significant challenges for progressing the anticipated planning process, included truncated time restrictions.
- While the IRIPs are multi-year, the MTR Team heard from advisers that in practice this can be unwieldy due to the need to consider the different GoA and GoPNG funding cycles and the unreliability of GoPNG funding.
- Although IRIPs appear to be designed to encourage evaluative thinking and reporting against outcomes by advisers, IRIP targets are activity based and unsurprisingly most reporting remains activity based. In some cases, this does not even reach the level of output reporting. While IRIP reporting asks advisers to consider any improvements and changes that have taken place because of their work, there has often been a failure in reporting to translate activities and outputs from the IRIPs to outcomes. This is further complicated by the unclear mixture of outputs and outcomes outlined in the MELF.
- Although the Multi-Year Plan anticipated that “JSS4D will support activity teams to improve understanding of performance through the monitoring and self-assessment of activities, and the production of the annual Sector Performance Report”, this does not appear to have happened yet.
- The aggregation of results across IRIPs for specific IOs has been difficult to realise due to the variable nature of activities across geographical locations.

3.4.2 How effective is the current split between national and sub-national support and focus?

Key findings

Further analysis of the JSS4D budget is required to assess whether the 20/80 split between national and subnational funding is being achieved but it is an appropriate aspiration given that the population live largely in regional and remote areas.

The current targeting of priority provinces is reasonable and appropriate, however funding for Enga should be reprogrammed for the balance of this phase.

⁷² Justice Services and Stability for Development Program Investment Design Update, 2020; JSS4D, 2021. Draft Interim Program Plan January 2021–31 December 2023 (As at 30 September 2021).

The intention that the subnational work of JSS4D receives 80 per cent of program activity budget makes economic and development sense. This is where the bulk of PNG's population lives, and where, for many PNG citizens, the formal law and justice system is largely still absent. As previously noted, JSS4D leadership advises that this is likely to be largely achieved, although this is difficult to assess, given challenges in allocating the work on EOPO 3: (Common priorities) to either national or subnational level.⁷³ The MTR team is of the view that maintaining a separate tally of resources devoted to national and subnational level would assist analysis of achievement of this desired split.

As discussed above in Section 3.1.3 all provinces in PNG face serious challenges in delivering law and justice services for their communities. There is certainly a development need in provinces not targeted by JSS4D, but the team does not consider the program should scale up to encompass the whole nation or significantly more provinces than the current program. It is important that the development programming not displace GoPNG responsibilities to deliver a law and justice system. Focusing on a range of key provinces provides a demonstration effect nationally and can drive improved practice.

In considering whether JSS4D is working in the right provinces, there are a number of considerations. There is a need to strike a balance between provinces where there are good opportunities for success and a political will for reform (e.g., Morobe or AROB), with more challenging provinces where the development need is greatest, but the work will be slower (e.g., Western Province and Hela). Similarly, there is a need to balance the greater need in provinces with poor security against the high costs of implementation. It also needs to be determined whether potential provinces are priorities for both GoA and GoPNG. We note the importance of Western Province's border with both Australia and Indonesia, the critical economic corridors present in the Highlands provinces, Morobe as an economically significant province with a major port and gateway to the Highlands and Australia and PNG's ongoing interest in continued peace and stability in Bougainville. We conclude that (with the exception of Enga, discussed below) the current choice of provinces strikes a reasonable balance of provinces where it is possible to achieve results more easily and where the need is greatest.

The MTR team notes that Enga Province was added as a priority province in Phase 2, and that Oro and Gulf Province were discontinued to enable that. There are particular challenges in working in Enga province. The Enga Provincial Government has introduced its own approach to law and justice called Operasi Mekim Save (OMS). While there are some accounts of OMS meeting identified needs, this has complicated the operation of the program as some of the approaches appear to be, and are considered by GoPNG as, inconsistent with national policy or law.⁷⁴ The MTR team heard from JSS4D that it should be possible for the program to provide some support in Enga, even if not supporting the Village Courts directly under EOPO 2, to avoid potential sensitivities with the national Government. Enga does present a development opportunity since the Provincial Government is focussed

⁷³ The 2021/22 budget by EOPO suggests that EOPO 2 receives nearly 23 per cent of program activity budget (excluding M&E) and Bougainville receives around 34 per cent (excluding M&E). Assuming at least half of program activities from EOPO 3 go to the subnational level, or 13 per cent of total activity funding (excluding M&E), this would mean at least 70 per cent of program activity budget is devoted to subnational level activities. Without knowing the split between national and subnational levels of investment by EOPO3, it is impossible to assess the whether the aspiration is being met, however.

⁷⁴ NCM discussion.

on reform. However, as we note below (Section 4), further information received during the course of the MTR suggests that progress is currently too slow and the issue is too sensitive, and consequently the funds for Enga should be reprogrammed for the balance of Phase 2 as negotiations continue.

Recommendations for this phase

Recommendation 4: In the current phase JSS4D should maintain the planned 80/20 budgetary division between subnational and national activities. This division can be assured through developing a separate tally of resource allocations. This in turn will provide useful analysis for designing the next stage of the program.

Recommendation 5: In the current phase, JSS4D should maintain its existing provincial focus, except for Enga province where funds should be reallocated for the remainder of this phase. Considerations for future programming

The AHC can consider whether the national political considerations, and minimum provincial engagement requirements, are suitable to include Enga through discussions ahead of, and during, the design of the new law and justice program.

3.5 KRQ 5: To what extent are JSS4D outcomes sustainable?

3.5.1 What changes/results indicate or point to sustainability?

Key findings

There are very positive signs of ownership of the work of JSS4D by LJS partners, including agreements to fund key agencies in the sector. However, underfunding of key law and justice services by GoPNG, particularly at the provincial level, remains a major risk to sustainability.

Overall, the LJS is becoming more sustainably capable. The team recognises the important role that JSS4D has played in this but attributing responsibility to any program for what is the work of decades is difficult.

Improved monitoring, research, and analysis by JSS4D would enable better attribution of, or contribution to, outcome results and prospects for sustainability.

There is opportunity to increase focus on the role communities and civil society can play in improving sustainability and accountability through an increasing 'demand for justice'.

A decade ago, DFAT undertook a detailed analysis of the effectiveness of LJS programming. It recommended that support be more context specific, flexible, iterative, focussing more on institutional strengthening as a whole and on cross cutting GEDSI issues to ensure the LJS system works for the most vulnerable.⁷⁵ The MTR team found that JSS4D is delivering on these recommendations. This reflects the understanding that sustainable

⁷⁵ Cox, M., Duituturaga, E., and Scheye, E. 2012 *Building on Local Strengths: Evaluation of Australian Law and Justice Assistance* Office of Development Effectiveness. The report found that promising strategies for bringing about institutional change included taking an incremental rather than comprehensive approach to improving existing capacities and functions; seeking a flexible, localised, 'good enough' solutions, rather than relying on institutional templates; focusing on issues for which there were local constituencies for change, who could be mobilised and supported; and working directly at the point of interaction between law and justice institutions and citizens. (p. ix).

development is an unending political, rather than a technical, process, “...defined not by fixed goals or the specific means of achieving them, but by an approach to creating change through continuous learning and adaptation”.⁷⁶ This MTR identified several elements of sustainability:

1. One of the key indicators of sustainability is the ownership of the program by local development partners. Fitzpatrick noted that sustainability requires partners to “...participate in identification of the problem, collaborate in the design of the program, and develop decision-making structures”.⁷⁷ The MTR team was left in no doubt that GoPNG feels strong ownership of the program. As the JSS4D Program Manager at the AHC noted, “in many ways it is their program”. The MTR team were heartened by strong signs that the agencies were taking an unselfish, sector-wide approach to allocation of resources.⁷⁸ While not yet funded, the agreement to integrate FSVUs into the RPNGC structure is a major step forward. Likewise, discussions are underway to integrate FSVACs into the GBV Secretariat in DFCDR. This would then provide the opportunity for GoPNG to adequately fund this architecture to become owned by and aligned with GoPNG. While GoPNG ownership is critical for sustainability, the MTR team hears that it means the program can be pulled in different directions.⁷⁹ Careful attention to the EOPOs and implementing a strong and effective MERL framework (See MERL Section 3.2.1) will help to ensure the program remains on track.
2. Despite this sense of ownership, adequate funding for key agencies remains lacking, risking sustainability. Certainly, there is a perennial disincentive in sector wide development programming to crowd out responsibility for adequate funding, but performance mechanisms could be implemented in future to transfer responsibility for this as a key indicator of ownership. In general, funding for infrastructure by a development program does not lead to sustainable outcomes. However, the LJS is not sustainable without functioning infrastructure. This places JSS4D in a difficult situation. We suggest that funding is maintained only at levels to encourage GoPNG to step up to its funding responsibilities. It is important that the program not displace GoPNG core justice sector funding responsibilities. The discussion below (Section 4) recommends some possible directions.
3. Development of capacity of people within LJS agencies is a key element of sustainability. The MTR team were encouraged to see signs of increased capacity becoming institutionalised across the program. The team interviewed many highly competent public servants working to strengthen their organisations and improve justice. For example, because of JSS4D training, mentoring and accompaniment, the Deputy Public Prosecutor said the OPP are at an exciting time and increasingly able to work towards training their own staff. While OPP do not yet have data to demonstrate this, it is clear to the leadership that their staff are building confidence

⁷⁶ Fitzpatrick, E. 2022. “Assessing Sustainability in Development Interventions” in J.L. Uitto, and G. Batra, G. (eds) *Transformational Change for People and the Planet* Sustainable Development Goals Series Springer, Cham.

⁷⁷ Ibid.

⁷⁸ Meetings with members of NCM and interviews with senior staff of DJAG and OPP.

⁷⁹ JSS4D interviews.

and able to prosecute cases independently much sooner than in the past. This also means that witnesses are less likely to withdraw because they feel better supported and the processes work more seamlessly. Prosecutors are also more sensitive to the needs of child witnesses and people with disability.⁸⁰ All participants who had participated in JSS4D sponsored leadership programs were extremely positive about the outcomes, with participants of the Senior Women's Executive Leadership Program citing their increased confidence to take on greater leadership roles; the insights provided on issues such as governance, risk management, the need for organisations to constantly monitor and evaluate the implementation of their policies, financial competency and effective communication skills; as well as the opportunities created for networking and collaboration between senior women across the public and private sectors.⁸¹ The MTR team were also told that data from Village Court inspections demonstrate Village Courts in JSS4D regions are more capable in reporting on administrative data.⁸² Noting however that the MTR team were unable to view this data.

4. Although training is very highly regarded by GoPNG counterparts, and despite being an easy "go to" it is not necessarily the solution to all capacity development needs. It is recognised that this is not where most learning occurs. Some consider that as little as 10 per cent of learning occurs through training, with 70 per cent occurring informally or on the job and 20 per cent occurring through coaching, mentoring, or developing through others.⁸³ In addition, the benefits can dissipate quickly with staff turnover if that increased capacity does not become institutionalised. Rather than assuming that training is "doing good" JSS4D needs to increase MERL efforts to assess the tangible results of training, how people are using it in the workplace, and any obstacles to implementing what people have learned. There are accepted follow up methods for doing this.
5. A strong civil society is key to ensuring any society delivers equitable social and economic outcomes for its people. As the DFAT Gender Equality and Women's Empowerment Strategy notes, "...the key factor in countries delivering legislation that criminalises violence against women is the presence of strong women's organisations".⁸⁴ Dr Judy Putt, in interview, noted that "there are pockets of good practice in responding to FSV and these are always in places where there is a strong and active civil society holding government to account by advocating for and supporting their clients, such as in Lae and Bougainville". One of the strengths of the PNG justice system is the engagement of community leaders as supporters and interlocutors for victim survivors of FSV with the justice and social systems.⁸⁵ Where there is a functional justice system, it would be important for JSS4D to strengthen community leaders' and groups' ability to help people experiencing FSV to engage

⁸⁰ Interview, Deputy Public Prosecutor.

⁸¹ JSS4D Media release on Senior Women's Executive Leadership Program.

⁸² Interview, DJAG Deputy Secretary.

⁸³ Kajewski, K. and Madsen, V. 2013. "Demystifying 70:20:10 White Paper" DeakinPrime.

⁸⁴ DFAT, 2016. Gender equality and women's empowerment strategy, February 2016 p 7, citing SL Weldon and M Htun, 2013, pp. 231–247.

⁸⁵ See also Dinnen, 2010 "PNG's non-government sector, comprising 'traditional' structures of governance, community groups, churches, NGOs and the private sector, already plays a significant, if often unacknowledged, role" in the justice sector (p. 278).

with the law and justice system and seek redress. This could be done through providing logistical support and training, or through funding for groups of community leaders to meet.

There is also a significant gap in PNG support for DPOs. The JSS4D report on Coalition Building notes that this is already happening to a degree⁸⁶ and should be expanded to further engage communities and community organisations to work with the formal LJS agencies in coalitions. We do not recommend at this stage that JSS4D significantly change directions within Phase 2. In the new law and justice program further work could be undertaken to support community leaders to convene and provide feedback on experiences of justice and to plan to increasingly integrate demand for justice. This approach was supported by many of those interviewed by the MTR team. The design team for the new program may wish to explore the successful work of the Nabilan Ending Violence Against Women program in Timor Leste, their development of a Certificate III in Social Services and whether this approach might help build demand for justice in PNG. In Timor-Leste this process helped the emergence of a cadre of professionalised social workers for the FSV area who are active in advocating to government for improved funding of legal, medical, and psychosocial services and the need to support evidence-based interventions. It might be useful to consider whether this approach is applicable to the PNG context. Interviewees for the review, however, cautioned against spending effort strengthening civil society without a functioning justice system able to meet increased demand. We recognize that caution must be applied in this regard and perhaps an initial focus on Morobe and Bougainville may be useful.

6. Sustainability also requires a focus on environmental sustainability, particularly in the context of climate change, where development work should “meet the needs of the present generation without compromising the ability of future generations to meet their own needs”.⁸⁷ Building resilience to climate change and disaster risk reduction is also one of 4 policy priorities contained in DFAT’s Aid Programming Guide, which must be considered by all investments. In addition to this guidance, we refer to DFAT’s Climate Change Action Strategy.⁸⁸ For JSS4D this includes ensuring that any supported infrastructure is climate resilient and maintains awareness that climate change also imposes stresses on communities and the ability of the justice sector to respond. Extreme weather events such as the recent drought in the PNG Highlands stresses communities, almost always leading to increases in FSV, often leading to human trafficking or child marriages of young women, and potentially increasing anti-social behaviour generally, including SARV or tribal fighting. The design team could consider seeking assistance from the GoA funded Australia Pacific Climate

⁸⁶ JSS4D, 2020. *Thematic Report (Revised): Support to Coalition Building in the Law and Justice Sector* April 2020.

⁸⁷ Brundtland, G., 1987. Report of the World Commission on Environment and Development: Our Common Future United Nations General Assembly document A/42/427.

⁸⁸ DFAT, 2022. [Aid Programming Guide October 2022](#); DFAT, 2019. [Climate Change Action Strategy](#): Tackling Climate Change Through Australia’s Development Assistance Program 2020–2025, November 2019.

Partnership⁸⁹ to integrate awareness across the sector of these potential effects and help to build a nimble response.

As the World Bank has noted, institution building is the work of decades and even in the optimal prevailing conditions – they estimate it will take 41 years to establish effective rule of law institutions.⁹⁰ It is difficult to attribute developments solely to JSS4D interventions, more so to identify any such achievements for Phase 2 of JSS4D particularly. Nevertheless, taking a long view, it is clear to the review team that, despite the challenges and ongoing fragility of law and justice in PNG, the direction towards sustainable development outcomes in the LJS in PNG is positive.

Considerations for future programming

The design team for the new program should engage closely with BCEP with a view to ensuring that the design is informed by a closer understanding of potential opportunities to ensure PNG communities are supported to demand better justice.

⁸⁹ The Australia Pacific Climate Partnership is an enabling program underpinning Australia's efforts to integrate climate change and disaster resilience across all sectors of the GoA's development assistance program, as the most effective way to build resilient communities. Among other things, its work helps us understand climate change related health impacts to bring sustained improvements in population health; interpret climate change projections and their impacts on agriculture and tourism to build economic resilience; and design infrastructure to mitigate against energy, food, and water insecurity.

⁹⁰ World Bank, 2011. World Development Report 2011.

4 A future law and justice program

Taking a long view of the decades of support by GoA, it is clear the PNG LJS is stronger now. However, it is equally clear that there remain serious challenges that must be addressed if PNG is to meet its own strategic goals and play a constructive role as a secure and stable partner in the region.

The considered view of the MTR team is that the sector wide work of JSS4D must continue, as its focus areas of security, law and order underpins all the development efforts in PNG. We conclude that, in general, JSS4D is on the right track, with a problem driven and adaptive approach.

Good development programming requires that if there are signs of useful progress, even if slow, then staying the course is important. The alternative is to cut losses early if new directions may not be delivering. Programs should also be able to adapt and innovate to respond to new opportunities or to generate fresh progress if results are slowing. These decisions require a careful and informed political economy analysis, strong relationships with all program stakeholders and clear strategic leadership. This is iterative and adaptive development.

First, we consider the problem analysis is sound. It is vital the program continues to address the binding constraints, particularly FSV and corruption. We consider juvenile justice should be given increasing attention if adequate resources are available. To avoid spreading the program too thinly, however, this should only be done if there is an increase in GoA funding and with due consideration for work conducted by other donors. Gender equality, disability inclusion and social inclusion broadly should remain at the centre of all the program's development work.

Second, there is the question of whether the current modalities of infrastructure, training and adviser accompaniment are correct. While progress seems painstakingly slow at times, there is a strong argument that this is the nature of institutional change and law and justice programming should stay the course. In this regard, the review team considers that by its nature, infrastructure investments are rarely sustainable. We recognise that, given the parlous state of LJS infrastructure in PNG, there is often little choice but to support infrastructure work. We understand that infrastructure investments are highly valued by PNG counterparts and are seen as a positive and visible result by AHC. However, it is not a good development input in PNG in the 21st century. If infrastructure is to remain a key part of the program, it will be important to explore options to build co-funding conditionalities into the new program of support so that law and justice sector programs could, over time, move away from big infrastructure builds while ensuring work is progressing with GoPNG funding. It may also, in the meantime, be useful to explore community co-contributions through the model employed in SHP, where the community contributes time and materials and utilise available State land to avoid political capture as well as ownership conflicts.

By the time this report is finalised there will be little time before JSS4D is transitioning to the end of the program in December 2023. However, the program is in good shape and there are only a few key recommendations to be addressed before the end of the program. There are a range of considerations variously directed to AHC, the design team and the future

program for consideration. It is expected that opportunities may arise for some of these to be addressed earlier, in the final stages of this program and this can be considered by JSS4D together with the AHC.

Key considerations for the new law and justice program include exploring or investigating:

For the design team

- Continuing with the focus on FSV and anti-corruption and if funding allows, increase funding to support juvenile justice.
- Opportunities for a new law and justice program to utilise different modalities and engage new counterparts to drive improved effectiveness including (but not limited to):
 - an expansion of support for the male advocacy program/court ordered perpetrator counselling (subject to prior evaluation).
 - an expansion of support for community leaders and organisations to demand improved justice (perhaps initially in Morobe and ARoB) in particular for women, people with a disability and other vulnerable and marginalised people.
 - and financial incentives to encourage good practice or arrangements to match GoPNG financial contributions.
- The merits of maintaining, but not expanding, the number of provinces that JSS4D works in.
- A decreased emphasis on sole funding of infrastructure in the interests of increased sustainability, including placing greater responsibility for infrastructure completion on communities and provincial government.
- Potential opportunities for collaboration between BCEP and a new law and justice program to support communities to demand better justice.
- How JSS4D could engage more with young women and men as key justice stakeholders support should align with the National Youth Commission to mainstream youth-led programs at sub-national level and engage with relevant local or regional organisations.
- Options for ensuring mobility access to JSS4D offices in order to support the employment of staff with disability and accessibility of the office to people with disabilities.
- The merit in trialling simple gender responsive budgeting tools to assess the gender effects of government funding across the sector (possibly with a single agency or province as a pilot) and whether JSS4D is the best agency to engage with the National Economic and Fiscal Commission on this issue.
- Lessons learned through the GoA funded Nabilan Ending Violence Against Women program's development of the Certificate III in Social Services in Timor-Leste and what it can contribute to professionalising front line FSV workers and increasing demand for justice.
- Opportunities to build Indigenous-to-Indigenous learnings into the program, in line with new GoA foreign policy directions.

For the AHC

- Ensuring the design team, in conjunction with the program, is allocated enough time to conduct an evaluability assessment and review the ToC; the aim should be a tighter, shorter and more useful MELF for the new program.
- Give very serious consideration to engaging experts to take the lead on refining the MELF (assuming a preliminary MELF by design team) and developing the next stage MERL Plan in liaison with the M&E team, as the resource requirements to do so internally will distract from other tasks.
- Investigating whether the national political considerations, and minimum provincial engagement requirements, are suitable to include Enga Province in the new law and justice program.
- Offering to support GoPNG to establish and implement multilateral coordination mechanisms for the LJS. Consideration can be given to whether these are thematic or whole of sector.

For a future law and justice program

- The program should actively advocate for an increase in the number of women employed in Village Court funded positions and support opportunities to have more equal numbers of women in all government funded positions, including by advocating for mandated gender balanced positions.
- The program should actively seek to employ more PNG and Pacific professional staff in senior positions, including particularly a national gender equality adviser and a national disability adviser (with lived experience of disability).
- The program should finalise a GEDSI Strategy and more comprehensively integrate GEDSI into a new MELF.

5 Conclusion

A functioning law and justice system is crucial for any nation's development and underpins and underwrites development work in all sectors. However, nation and institution building take decades. Australia has been supporting PNG for nearly 50 years post-independence. It has been now over 40 years since development support has taken a sector wide approach in the LJS. The review team can see the results of this ongoing support, in terms of the unique relationship between Australia and PNG, and the deep mutual understanding of the challenges we face.

In the LJS, the sector-led coordination and an increasingly unselfish recognition that the sector needs to be supported as a whole to develop capacity together are promising signs of increasing institutional strength. It is important that these investments continue and strengthen the growing GoPNG capacity to manage and fund its own LJS functions.

6 Consolidated recommendations

Recommendation 1: For this phase (and the new GoA-funded law and justice program), DFAT and GoA should continue to focus on strong development outcomes aligned with GoPNG's strategic priorities around law and justice and addressing FSV and anti-corruption to advance Australian and GoPNG strategic interest.

Recommendation 2: For the remainder of this phase JSS4D should not use limited MERL Team time to undertake any major update of the MERL Plan or Multi-year Plan. However, there are critical actions that should be taken now in relation to both the MERL system and improving progress reporting (See Annex H).

Recommendation 3: The AHC (DFAT and AFP) continues to have an important role to play, including but not limited to quarterly FSV meetings, to ensure that all GoA programs on FSV are well coordinated, are aligned with accepted GoA policy and strategies on FSV and use evidence-based approaches.

Recommendation 4: In the current phase JSS4D should maintain the planned 80/20 budgetary division between subnational and national activities. This division can be assured through developing a separate tally of resource allocations. This in turn will provide useful analysis for designing the next stage of the program.

Recommendation 5: In the current phase, JSS4D should maintain its existing provincial focus, except for Enga province where funds should be reallocated for the remainder of this phase.

Annex A Consultations

#	Name	Position	Organisation	Category
1	Jennifer Hyatt	Senior Legal Officer	Attorney-General's Department	Australian Government
2	Michael Mackenzie	Assistant Secretary	Attorney-General's Department	Australian Government
3	Elizabeth Beard	Ag First Secretary - Justice, Subnational and Accountability	Australian High Commission	Australian Government
4	Casey Senome	Ag Counsellor, Justice, Subnational and Accountability	Australian High Commission	Australian Government
5	Evelyn Ofasia	Program Manager (Law & Justice)	Australian High Commission	Australian Government
6	Marlene Delis	Assistant Program Manager	Australian High Commission	Australian Government
7	Clayton Harrington	Counsellor - Bougainville and Kokoda	Australian High Commission	Australian Government
8	Winifred Oraka	Senior Program Manager	Australian High Commission	Australian Government
9	Gaye Moore	First Secretary (Gender Equality)	Australian High Commission	Australian Government
10	Paul Lehmann	Minister Counsellor - Justice, Subnational and Accountability	Australian High Commission	Australian Government
11	Sue Smith	Senior Officer	PNG- Australian Policing Program	Australian Government
12	Paul Bannister	Police Prosecutions Advisor	PNG- Australian Policing Program	Australian Government
13	Leisa James	Family Sexual Violence Advisor	PNG- Australian Policing Program	Australian Government
14	Stephen Hulbert	Detective Superintendent Public Safety & Crime	PNG- Australian Policing Program	Australian Government
15	Ireire Olewale	Subnational Advisor	Australia-Papua New Guinea Subnational Program	Australian Government
16	Bruce Tasikul	Senior Provincial Magistrate	Magisterial Services	Autonomous Bougainville Government

#	Name	Position	Organisation	Category
17	Mana Kakarouts	Secretary (Chair of BFSVAC)	Department of Community Development	Autonomous Bougainville Government
18	David Maliku	Commissioner	Bougainville Constitutional Planning Commission	Autonomous Bougainville Government
19	Nellie McLay	Community advocate	Independent	CSOs
20	Jane Kenni	Community advocate	Independent	CSOs
21	Carol Yawing	Community advocate	Independent	CSOs
22	Denga Ilave	Operations Manager	Femili PNG	CSOs
23	Ben Theodore	Chair, member of the GEDSI CoP	Disability Services Coalition	CSOs
24	Clare Curia	Graphic Design Consultant	Independent	CSOs
25	Hilda Igo	Sign language interpreter	Independent	CSOs
26	Marilyn Havini	Liasion Officer	Hako Women's Collective	CSOs
27	Dorcas Garo	Treasurer (Former Chair)	Hako Women's Collective	CSOs
28	Elizabeth Rabbie	On behalf of Delphine Kenneth	Hako Women's Collective	CSOs
29	Sione Atua	ABG Liasion	Bougainville Disabled Persons Organisation	CSOs
30	Barbara Tane	Executive Director	Bougainville Women's Federation	CSOs
31	Ursula Rakova	Executive Officer	Bougainville Women's Federation	CSOs
32	Sister Lorraine Garasu	Director	Nazareth Centre for Rehabilitation	CSOs
33	Adrian	Men's Health Program	Nazareth Centre for Rehabilitation	CSOs
34	Cindy	Safe House Worker	Nazareth Centre for Rehabilitation	CSOs
35	Gertrude	Safe House Worker	Nazareth Centre for Rehabilitation	CSOs
36	Gerard	Male Advocate	Nazareth Centre for Rehabilitation	CSOs
37	Arianne Kassman	Executive Director	Transparency International	CSOs

#	Name	Position	Organisation	Category
38	Yuambari Haihuie	Deputy Director (Partnerships and Policy)	Transparency International	CSOs
39	Yvonne Ngutlikc	Deputy Director (Communications)	Transparency International	CSOs
40	Ruth Kissam Tindiwi	Executive Director	Advancing PNG: Women Leaders Network	CSOs
41	Stephen Pokanis	Commissioner	Correctional Services	Government of Papua New Guinea
42	Vincent Gigmai	GEDSI Officer, GEDSI CoP Co-Chair	CLRC	Government of Papua New Guinea
43	Shirley Kwan	Provincial Juvenile Justice Coordinator	DJAG	Government of Papua New Guinea
44	Ringwaku Sedrick	Morobe Provincial Liaison Officer VCLM	DJAG	Government of Papua New Guinea
45	Josephine Pitmur	Deputy Secretary Justice (Admin)	DJAG	Government of Papua New Guinea
46	Stanley Raka	Deputy Secretary National Provincial Coordination and Crime Prevention Division	DJAG	Government of Papua New Guinea
47	Teisi Kalamo	GEDSI Manager, GEDSI CoP Co-Chair	DJAG	Government of Papua New Guinea
48	Angelyn Paranda	A/Director	Legal Training Institute	Government of Papua New Guinea
49	Marcia Kalinoe	National Coordinator - FSVAC	Consultative Implementation & Monitoring Council	Government of Papua New Guinea
50	Mark Pupaka	Chief Magistrate	Supreme Court of Papua New Guinea	Government of Papua New Guinea
51	Joe Saferius	Acting Director, Village Courts and Land Mediation	DJAG	Government of Papua New Guinea
52	Helen Roalakona	Deputy Public Prosecutor	OPP	Government of Papua New Guinea
53	Mercy Tamate	Head of Family & Sexual Offence Unit & State Prosecutor	OPP	Government of Papua New Guinea
54	Kate Butcher	Gender Advisor	Independent	Independent
55	Steve Hogg	ANU	Independent	Independent

#	Name	Position	Organisation	Category
56	Dr Judy Putt	ANU	Independent	Independent
57	Edwina Kotoisuva	Team Leader	JSS4D	JSS4D
58	Pauline Webb	Deputy Team Leader Bougainville	JSS4D	JSS4D
59	Robin Perry	Monitoring Evaluation Research & Learning Innovation Manager	JSS4D	JSS4D
60	Apolosi Bose	Deputy Team Leader National & Common Priorities	JSS4D	JSS4D
61	Bill Lawrie	Deputy Team Leader Subnational & Infrastructure	JSS4D	JSS4D
62	Carolyn Mom	Community Safety Coordinator	JSS4D	JSS4D
63	Don Hurrell	Community Justice Adviser - North	JSS4D	JSS4D
64	Andy Philip	Community Justice Adviser - West	JSS4D	JSS4D
65	Mick Murphy	Community Justice Adviser	JSS4D	JSS4D
66	Tevita Seruilumi	Family & Sexual Violence and GEDSI adviser	JSS4D	JSS4D
67	Linda Berends	FSV Prosecutor	JSS4D	JSS4D
68	Alexandra Gartrell	Disability Inclusive Development Advisor	JSS4D	JSS4D
69	Lyndel Melrose	Executive Leadership, Learning and Development Advisor	JSS4D	JSS4D
70	Saskia Van Zanen	Legal & Policy Advisor	JSS4D	JSS4D
71	Luke Clancy	Law & Justice Advisor	JSS4D	JSS4D
72	Helen Child	Community Justice Adviser	JSS4D	JSS4D
73	Helen Cherry	Sector M&E Capacity Development	JSS4D	JSS4D
74	Chris Morris	Sector M&E Innovation and Learning	JSS4D	JSS4D
75	Neil Penman	Sector M&E Information	JSS4D	JSS4D

#	Name	Position	Organisation	Category
		Management System Advisor		
76	Lynette Morris	Operations & Budget Manager	JSS4D	JSS4D
77	Noel Needham	Advisor	JSS4D	JSS4D
78	Liz Garrett	Contractor Representative	DT Global	JSS4D MC
79	Jim Della-Giacoma	Consultant	International Foundations for Electoral Systems	Other Donors
80	Gerard Ng	Highlands Joint Peace Program Coordinator, UN Highlands Program	UNDP	Other Donors
81	Davide Messina	Program Manager	Embassy of the European Union	Other Donors
82	Meredith Mantel	Foreign Affairs Officer	United States Fragility and Conflict Bureau, State Department	Other Donors
83	Pantea Masourmi	Officer in Charge Child Protection Unit	UNICEF	Other Donors
84	Ndangariro Moyo	Child Protection Specialist	UNICEF	Other Donors
85	Shawn Rutene	Team Leader	New Zealand Police	Other Donors
86	Sean Brittany	Bougainville Superintendent	NZ Police	Other Donors
87	Anastasia Wakon	Family Support Centre coordinator	Morobe ANGAU Hospital	Provincial Governments
88	Bart Impambonj	Provincial Administrator	Morobe Provincial Administration	Provincial Governments
89	Robin Bazzinuc	Deputy Provincial Administrator	Morobe Provincial Administration	Provincial Governments
90	Harvey Kitoria	Law & Justice Coordinator	Morobe Provincial Administration	Provincial Governments
91	Thelma Hungito	FSVAC Coordinator	Morobe Provincial Administration	Provincial Governments
92	Henry Hapen	Provincial Administrator	Southern Highlands Provincial Government	Provincial Governments
93	Ruth Marup	Senior Sergeant, OIC of FSVAC	RPNGC	RPNGC
94	Francis Tokura	Deputy Commissioner of Police & Chief of	RPNGC	RPNGC

#	Name	Position	Organisation	Category
		Bougainville Police Services		
95	Joanne Clarkson	Deputy Commissioner	RPNGC	RPNGC
96	Delilah Sandeka	Superintendent	RPNGC	RPNGC
97	Jacklyn Pais	Police North Regional Commander	RPNGC	RPNGC

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JSS4D Documents

No date

JSS4D GEDSI Strategy - Final Draft

2022

IRIP - ARoB 1 ABG Legal Services

IRIP - ARoB 2 Establishing law and justice institutions and services

IRIP - ARoB 3 Improving Access to justice at community level

IRIP - ARoB 4 Rehabilitation, re-integration and reconciliation

IRIP - ARoB 5 BPS Correctional Services

IRIP - ARoB 6 Victim Support Services

IRIP - Leadership Learning and Development

IRIP - Strengthen Prosecution of FSV

IRIP - Inclusive Support Services

IRIP - Law and Justice Sector Addressing Corruption

IRIP - Sector Strategic Framework Policy

IRIP - Hela Village Courts and Land Mediation

IRIP - Morobe Village Courts and Land Mediation

IRIP - SHP Village Courts and Land Mediation

IRIP - Western Village Courts and Land Mediation

IRIP - Village Courts and Land Mediation Strategy

IRIP - Enga Safer Communities

IRIP - Hela Safer Communities

IRIP - SHP Safer Communities

IRIP - Western Safer Communities

IRIP - M&E

IRIP - Six Monthly Report Hela VCLM
IRIP - Six Monthly Report Morobe VCLM
IRIP - Six Monthly Report SHP VCLM
IRIP - Six Monthly Report Enga Safer Communities
IRIP - Six Monthly Report Hela Safer Communities
IRIP - Six Monthly Report Morobe Safer Communities
IRIP - Six Monthly Report SHP Safer Communities
IRIP - Six Monthly Report Western Safer Communities
IRIP - Six Monthly Report Bougainville
IRIP - Six Monthly Report Public Prosecutor
IRIP - Six Monthly Report Disability
IRIP - Six Monthly Report Leadership Learning & Development
IRIP - Six Monthly Report Sector Strategic Framework (SSF) and Policy Engagement
IRIP - Six Monthly Report GEDSI
IRIP - Six Monthly Report Anti-Corruption
IRIP - Six Monthly Report Bougainville
JSS4D Organisational Chart
JSS4D Six Monthly report
JSS4D Annual Performance Report 2021 (Draft)
JSS4D MERL Strategy 25 July (Draft)
JSS4D Southern Highlands Peace and Good Order Committee Evaluation Report (Draft)

2021

JSS4D Communication Strategy - Design Update
JSS4D Monitoring, Evaluation, Learning and Research Plan 2021 (v.4)
JSS4D Annual Performance Report 2020

2020

JSS4D Investment Design Update November 2020
JSS4D Draft Interim Program Plan January 2021-31 December 2023 (As at 21 December 2020)

Annex C Terms of reference

Midterm Review of the Justice Services and Stability for Development Program – Terms of Reference

Introduction and Context

These are the Terms of Reference (ToRs) for the midterm review of the Justice Services and Stability for Development Program (JSS4D). JSS4D is an eight year, AUD151 million program, delivered in 2 phases, which is aimed at strengthening law and justice services in Papua New Guinea (PNG). The program is funded by the Department of Foreign Affairs and Trade (DFAT) and is implemented by Cardno Emerging Markets (Australia). The program has completed its first phase from 2016 to 2020 and is currently in phase 2 which runs from 2021 – 2023.

JSS4D works with national law and justice sector agencies, their partners and stakeholders in Port Moresby, 5 priority provinces (Morobe, Western, Hela, South Highlands and Enga) and the Autonomous Region of Bougainville (ARoB). The end of program outcomes (EOPOs) sought by the program are:

- EOPO 1: Law and justice agencies develop and implement inclusive legal and policy initiatives;
- EOPO 2: Provinces coordinate local delivery of inclusive and accessible justice services outlined in law and justice plans;
- EOPO 3: Demonstrated improvements in accessibility and enforcement in priority areas of family and sexual violence (FSV), anti-corruption and juvenile justice.

Specific programming is also dedicated to ARoB, which has its own EOPOs and intermediate intended outcomes (IIO).

JSS4D is currently implementing phase 2 of the program through a three-year plan, covering 1 January 2021 to 31 December 2023. It has a budget of AUD59 million and is delivered through a range of modalities including infrastructure support, capacity development initiatives and technical assistance. The expected program expenditure includes up to 80% spending at subnational level and 20% at national level.

Governance for the program is provided through the Strategic Planning Governance Meeting (SPGM), which is co-chaired by representatives of the governments of PNG and Australia. Through its sector-led approach, the program works with other Australian funded programs working in the area of law and justice and addressing family and sexual violence (a key priority of the program) including:

- Australian Federal Police through the PNG-Australia Policing Partnership

- Attorney-General's Department through the Institutional Partnership Program with the Department of Justice and the Attorney General
- DFAT's Pacific Women Shaping Pacific Development.

Context of Work

JSS4D is due to end in December 2023, and DFAT will commence a design in early 2023 on the next phase of Australian Government support to the law and justice sector in PNG. To inform this design, and support the final year of JSS4D implementation, DFAT is commissioning an independent midterm review in 2022. The objective of the review is two-fold: i) to assess the extent to which results have been achieved at this point of JSS4D's implementation and ii) provide insight for the design phase moving forward. The review will focus on relevance, effectiveness, efficiency, sustainability and gender equality & social inclusion. It will provide evidence of achievements and identify learnings and areas for improvement. The key users of this review will be DFAT (Post and Canberra – investment managers and Executive). Key findings will also be shared with DFAT whole of Government partners and key PNG Government Law and Justice Sector stakeholders. The most recent external review was conducted in 2018.

Implication of Contextual Risks and considerations

PNG Election and Potential Unrest

4. The PNG national elections are arranged to be held in July 2022 and comes with a higher risk of disruptions and COVID-19 transmission. This is likely to have impact on access to some areas of implementation. Fieldwork will be arranged in light of the evolving security context, and planning may need to adapt and respond to changing information. QTAG will comply to both AHC and internal security protocols and will conduct a security assessment prior to mobilising the review team.

Engagement with PNG Law & Justice Agencies

5. Building ownership and engagement with national PNG law & justice agencies will be difficult during the election period due to a number of competing demands on the PNG system. Being able to consult meaningfully with key stakeholders is critical to ensure validity of findings. To mitigate this risk, AHC will take a key role in directing and facilitating the review team's access to key stakeholders, including providing some administrative and logistic support to be further outlined during the Review Plan stage. Additionally, AHC will provide an informal briefing to the team regarding appropriate language to use when engaging with the sector and alert the review team to any sensitivities.

COVID-19

Quarantine restrictions have been lifted for international vaccinated travellers to PNG, however the risk of a future surge in COVID-19 cases remains high. Those who are present in PNG (team members, AHC and partners) are currently able to meet face-to-face. However, health and safety protocols will be developed and adhered to with updates reflecting any

changes to the context during the design planning phase, keeping in mind risks to vulnerable communities.

Key Evaluation Questions (still in discussion)

Relevance

1. Looking beyond the EOPOs, to what extent is the program strategically important to Australian national interest and GoPNG development priorities? What benefits (intended or otherwise) does the program generate for the Australian aid program and bilateral relationship?
2. To what extent is the design and governance mechanisms relevant in the current operating environment, appropriately balanced in achieving PNG ownership whilst maintaining oversight, and aligned to other Australian investments?

Effectiveness

3. To what extent is JSS4D achieving its IIOs and to what extent is it likely to achieve its EOPOs?
4. Were IIOs and EOPOs realistic and achievable given the context, resources and timeframe? If not, what adjustments could be made to the IIOs to better define achievable outcomes for this program or future programs?
5. What are the most significant examples of positive change and impact including for PNG's law and justice sector resulting from JSS4D activities, and to what extent can these be attributed to the program? Is there any evidence of unintended impact? Where are there opportunities to do more/deepen engagement or support to maximise impact?
6. To what extent are current MEL systems and resources (including human resourcing) sufficient to inform program decision-making; produce evidence of progress towards IIOs and EOPOs; and meet DFAT standards? What changes, if any, are required?

Gender Equality and Social Inclusion

7. To what extent have results been achieved in gender equality and disability inclusion and to what effect?
8. With a focus on family and sexual violence and Village Courts, how does JSS4D complement or overlap with other development programs by Australia ⁹¹ and other donors? Are there any gaps that need to be addressed or examples of good practice to be shared?

Efficiency

⁹¹ Including but not limited to PNG-Australian Policing Program, Pacific Women Program and Bougainville Partnership

9. How has the Phase 2 multi-year funding model and the smaller number of activity plans impacted program implementation and impact?
10. How effective is the current split between national and subnational support and focus? Is this the right balance to achieve our interests and effect change?

Sustainability

11. To what extent are program outcomes sustainable and what changes could be made to improve sustainability?

Deliverables

The review team will produce:

- a Review plan prior to fieldwork, which will cover off methodology, understanding of evaluation questions, and identification of key stakeholders.
- An aide memoire presentation – the review team will present their emerging findings on the final day of the fieldwork to the AHC team and other relevant stakeholders. The team will share a PowerPoint presentation with these initial reflections.
- A first draft of the JSS4D review – the review team will provide a draft report, up to 30 pages excluding annexes that responds to all the questions above. Report will included a concise executive summary (maximum 5 pages).
- A final draft of the JSS4D review report – the review team will revise the report and address feedback provided by AHC and other stakeholders.

Timeline

Phase	Tasks	Indicative dates
Phase 0	Identification and confirmation of team, finalisation of ToR. Establish early plans around potential fieldwork sites.	June-July 2022
Phase 1	Initial document review, preliminary (online) discussions with review team and AHC. Planning for fieldwork, identification of key stakeholders	July 2022
Phase 2	Fieldwork to Port Moresby, Bougainville and at least one additional province to conduct key stakeholder consultations Present an Aide Memoire to AHC at end of field mission	August 2022 (TBC pending security)
Phase 3	Analysis of information, further remote consultations (if required) and drafting process	August – September 2022
Phase 4	Delivery of first draft to the AHC for feedback and revision	September 2022

Phase	Tasks	Indicative dates
Phase 5	Delivery of final draft to the AHC	October 2022

Specified Skills and Experience of Team

The team should collectively possess the following skills and experience:

- Demonstrated ability to draw on international best practice in law and justice, preferably within a PNG context;
- Excellent communication skills, particularly in a cross-cultural setting, and the ability to clearly explain review, monitoring and evaluation principles;
- A sound knowledge of Australian Aid Program policies on design, M&E and reporting processes for aid delivery;
- Strong understandings and critical insight into MEL practices and resourcing;
- Technical expertise in law, justice and governance-related fields;
- Technical expertise in gender-related development interventions, including family and sexual violence and women's empowerment.
- Familiarity with cross cutting issues such as climate change and disability inclusion;
- A good understanding of PNG's social and political context.

In line with QTAG's gender equality and localisation approaches, the team will be gender balanced and have at least one member who is from PNG.

The team will be made up of:

- a Team Leader with experience in leading evaluation teams, high-level understanding of monitoring and evaluation and experience of the context and justice programming more broadly (with an understanding of gender-related development interventions including family sexual violence highly desirable) [ARF Rating C3-4]
- A Justice Sector Expert: A deep understanding of the justice sector with particular experience in justice sector strengthening in international development. Understanding of the Justice Sector in PNG highly desirable. [ARF Rating D3-4]
- A Gender Expert: Sound understanding of issues regarding gender inclusive development within PNG. Knowledge of how gender inequality impacts development and participation in the justice sector in PNG. [ARF Rating B2-3]

Other team members will include a panel of identified experts available for the team to draw on as needed. Additionally, the team will be supported by the QTAG program manager and program assistant who will facilitate the logistics and be responsible for oversight of team.

Tasks and Time Inputs

Phase	Tasks	Indicative Team Leader Inputs	Indicative Justice Expert	Indicative Gender Expert
Phase 1	Initial document review, preliminary (online) discussions with review team, AHC. Review Planning	8	4	1
Phase 2	Fieldwork to Port Moresby, Bougainville and one other province to conduct key stakeholder consultations. Meeting with AHC at the beginning of visit and presentation of the Aide Memoire to the AHC at the end of the fieldwork.	14	14	14
Phase 3	Analysis of information, further remote consultations (if required) and drafting process	8	4	2
Phase 4	Delivery of first draft to the AHC for feedback and revision	7	5	2
Phase 5	Revisions and preparation for final versions to the AHC	3	3	1
TOTAL		40	30	20

Annex D Review Plan

Justice Services and Stability for Development Program

Midterm Review Plan

15 August 2022

Submitted by:

Bu Wilson – Team Leader, Review Team

Submitted to:

Casey Senome – Acting First Secretary, Australian High Commission Port Moresby

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Acronyms

ABG	Autonomous Bougainville Government
AES	Australian Evaluation Society
AHC	Australian High Commission
ARoB	Autonomous Region of Bougainville
AUD	Australian Dollar
DFAT	Department of Foreign Affairs and Trade
EOPO	End of Program Outcome
FSV	Family and Sexual Violence
GoA	Government of Australia
GoPNG	Government of Papua New Guinea
IO	Intermediate Outcomes
IRIP	Issues Response Implementation Plan
JSS4D	Justice Services and Stability for Development
KRQ	Key Review Questions
MTR	Midterm Review
OPM	Oxford Policy Management
PNG	Papua New Guinea
SHP	Southern Highlands Province
SPGM	Strategic Planning Governance Meeting
QTAG	Quality Technical Advisory Group

1 Introduction

This document provides the draft Evaluation Plan for the Midterm Review (MTR) of the Justice Services and Stability for Development (JSS4D) program in Papua New Guinea (PNG). This will be reviewed by the Australian High Commission (AHC) in Port Moresby, and any necessary amendments made. The plan is based on the agreed Terms of Reference developed in collaboration with the AHC; and is consistent with Department of Foreign Affairs and Trade (DFAT) Monitoring and Evaluation Standards, Standard 5 Independent Evaluation Plan.⁹²

The evaluation is scheduled to commence in-country on 21 August 2022 and be completed by November 2022. This introductory section presents the background and context of the MTR; its purpose and intended uses; evaluation scope; the Key Review Questions (KRQ); evaluation locations; assumptions, risks, and mitigations; contextual risks, and how the MTR team will ensure a safe and ethical review process.

1.1 Background and Context

JSS4D is an eight year, AUD151 million program, delivered in 2 phases, which is aimed at strengthening law and justice services in PNG. The program is funded by DFAT and is implemented by Cardno Emerging Markets (Australia). The program has completed its first phase from 2016 to 2020 and is currently in phase 2 which runs from 2021–2023.

JSS4D is due to end in December 2023, and DFAT will commence a design in early 2023 on the next phase of Australian Government support to the law and justice sector in PNG. To inform this design, and support the final year of JSS4D implementation, DFAT has commissioned this independent midterm review in 2022. The most recent external review was conducted in 2018.

JSS4D works with national law and justice sector agencies, their partners, and stakeholders in Port Moresby, five priority provinces (Morobe, Western Province, Hela, Southern Highlands Province (SHP) and Enga) and the Autonomous Region of Bougainville (ARoB). The end of program outcomes (EOPO) sought by the program are:

- EOPO 1: Law and justice agencies develop and implement inclusive legal and policy initiatives;
- EOPO 2: Provinces coordinate local delivery of inclusive and accessible justice services outlined in law and justice plans; and
- EOPO 3: Demonstrated improvements in accessibility and enforcement in priority areas of family and sexual violence (FSV), anti-corruption and juvenile justice.

Specific programming is dedicated to ARoB, which has its own EOPOs and intermediate outcomes (IO).

⁹² [DFAT monitoring and evaluation standards](#)

JSS4D is currently implementing phase 2 of the program through a three-year plan, covering 1 January 2021–31 December 2023. It has a budget of AUD59 million and is delivered through a range of modalities including infrastructure support, capacity development initiatives and technical assistance. The expected program expenditure includes up to 80% spending at subnational level and 20% at national level.

Governance for the program is provided through the Strategic Planning Governance Meeting (SPGM), which is co-chaired by representatives of the governments of PNG (GoPNG) and Australia (GoA). Through its sector-led approach, the program works with other Australian funded programs working in the area of law and justice and addressing family and sexual violence (a key priority of the program) including:

- Australian Federal Police through the PNG-Australia Policing Partnership
- Attorney-General's Department through the Institutional Partnership Program with the Department of Justice and the Attorney General
- DFAT's Pacific Women Shaping Pacific Development (till June 2022)
- DFAT's Pacific Women Lead (TBC)

1.2 Purpose and Use of the MTR

The purpose of the review is two-fold:

- i) to assess the extent to which results have been achieved at this point of JSS4D's implementation; and
- ii) to provide insight for the design phase moving forward.

The key users of this review will be DFAT (Post and Canberra–investment managers and Executive). Key findings will also be shared with DFAT whole of Government partners and key PNG and ARoB Government Law and Justice Sector stakeholders. Findings will also be shared with the JSS4D team and managing contractor representatives.

1.3 Evaluation Scope

The review is of the current phase of JSS4D from 1 January 2021 to present. The review will focus on relevance, effectiveness, efficiency, sustainability, and gender equality & social inclusion. It will provide evidence of achievements, identify learnings and areas for improvement, and suggest directions for the forthcoming design of the next phase of JSS4D.

The key deliverables for this engagement are summarised as follows:

- Evaluation Plan
- Presentation of Aide Memoire;
- Draft MTR report and recommendations; and
- Final MTR report.

All draft deliverables will be revised according to consolidated feedback received and subsequently delivered in a final version.

1.4 Contextual Risks

PNG Election

The PNG national election has been running through July and August 2022. It has been accompanied by pockets of civil unrest and violence in some of JSS4D's areas of implementation including Enga Province, parts of SHP and Port Moresby and surrounding suburbs; and there has been delays in counting and the Return of Writs. On 9 August the Speaker (Hon. Job Pomat) and the Prime Minister (James Marape) were re-elected. These delays and any unrest may impact upon security, access to implementation sites, clarity of senior roles in relevant government departments, and availability of stakeholders; all of which may in turn impact on the timing of the in-country mission. Fieldwork, including selection of field locations, may need to adapt and respond to an evolving context. The Quality and Technical Advisory Group (QTAG) and the MTR Team will continue to liaise with the AHC and JSS4D on these issues as the situation evolves. AHC and JSS4D will have a key role in facilitating access to key stakeholders.

COVID-19

There has been widespread community transmission of COVID-19 in PNG, coupled with low levels of vaccination. Although official infection rates in PNG have declined, there is also likely to be low levels of reporting. All international MTR team members are fully vaccinated. The team is encouraged to wear masks in crowded situations or where there is poor ventilation. Where possible, consultations will be held outside to reduce the risk of transmission.

While it is currently possible to meet face-to-face this is liable to change and occurrences of COVID-19 among the MTR team or stakeholders may mean that obtaining interviews with key informants may prove difficult, meetings may be cancelled at short notice, or rescheduled to occur online/by phone. However, communications within PNG can also be subject to power outages, slow internet, and problems with reception in areas outside Port Moresby. QTAG and the MTR team will take an adaptive and proactive method of managing this risk.

1.5 Key Review Questions (KRQ)

The KRQ were revised in consultation with the AHC. This review plan identifies appropriate sub-questions, and areas of focus to provide collated evidence against the KRQ using an evidence matrix, as shown in Table 1.

Table 5: Evaluation Criteria, KRQ and Sub-questions

Criteria	Key Evaluation Questions	Sub-questions	Some areas for review to focus on
Relevance	1. To what extent is the program aligned with GoA and GoPNG priorities?	<p>1.1 To what extent is the program strategically important to the Australian national interest and GoPNG development priorities?</p> <p>1.2 To what extent are the design and governance mechanisms relevant in the current operating environment?</p> <p>1.3 If more resources were available what would be the opportunities that could be addressed?</p>	<ul style="list-style-type: none"> • Strategic importance beyond EOPOs • Alignment with other GoA investments • Alignment with GoPNG priorities • Opportunities for alignment with new GoA/DFAT policy directions e.g., Office of First Nations Engagement • Include GEDSI commitments • Appropriate balance of ownership and oversight • What more could or should we do? • Any untapped areas or areas where the program could go deeper?
Effectiveness	2. To what extent is JSS4D achieving it's intended outcomes?	<p>2.1 To what extent has JSS4D met its EOPOs and IOs?</p> <p>2.2 Is the current MERL fit for purpose?</p>	<ul style="list-style-type: none"> • Were IIO's and EOPOs realistic and achievable given the context, resources, and timeframe? • Impacts of COVID-19 • Any adjustments that need to be made • Opportunities for improvement • Significant examples of positive change and impact (including attribution/contribution) • Unintended outcomes/impact • Can/do current MEL systems and resources inform decision making, produce evidence of IIOs and EOPOS and meet DFAT standards? • Is sufficient GEDSI data collected/analysed, and outcomes reported? • Are the current indicators/outcomes traceable/measurable in this context? • Are we measuring the right things?

Criteria	Key Evaluation Questions	Sub-questions	Some areas for review to focus on
Gender Equality and Social Inclusion			<ul style="list-style-type: none"> To what extent are MERL systems and resourcing sufficient for a fit for purpose MERL?
	3. To what extent has JSS4D achieved results in gender equality and disability inclusion?	<p>3.1 To what extent does JSS4D programming on family and sexual violence and Village Courts complement or overlap with other programming?</p> <p>3.2 How transformative and sustainable are JSS4D GEDSI results?</p>	<ul style="list-style-type: none"> Leveraging from or contributing to other GoA, GoPNG, other donor programming Any unintended impacts +ve or -ve Shifts in commitment/capacity on GEDSI Gaps Examples of good practice
Efficiency	4. To what extent has JSS4D been delivered in an efficient manner?	<p>4.1 How has the Phase 2 multi-year funding model and the smaller number of activity plans impacted program implementation and impact?</p> <p>4.2 How effective is the current split between national and sub-national support and focus?</p>	<ul style="list-style-type: none"> Consider whether the program is targeted in the right provinces and partnering with the right agencies; is it too thinly spread? Given limited resources is the balance of funding between rural areas (with 90% of population) and the national level (with benefits of access, relationships, policy change etc) optimal?
Sustainability	5. To what extent are JSS4D program outcomes sustainable?	<p>5.1 What changes/ results indicate or point to sustainability?</p> <p>5.2. What opportunities are there to improve sustainability?</p>	<ul style="list-style-type: none"> What changes could improve sustainability? Are GEDSI results transformative and sustainable?

1.6 Evaluation Locations

It was anticipated prior to the 2022 elections that the review would be conducted in-person with informants in Port Moresby, ARoB and ideally one other province. Discussions on the feasibility of visiting 3 locations were explored extensively, examining the security context, accessibility of stakeholders, likelihood of election impact and logistics considering a two-week period. Based on discussions with the AHC, QTAG's security manager and the JSS4D team, the review team proposes that the fieldwork concentrate on Port Moresby, Bougainville and Morobe (pending final security clearance). In addition, the review team will explore the possibility of meeting with representatives of other provinces if they are in Port Moresby during the fieldwork period. After the fieldwork (and subject to the team's capacity), some light touch remote consultations of other provinces may be possible.

1.7 Assumptions, risk, and mitigation

The following assumptions are made about the conduct of the MTR:

- The security environment is conducive to carrying out an in-country review
- The political situation post-election has settled sufficiently to be able to have meaningful engagements with key stakeholders

Table 2 outlines the possible risks that may be encountered in undertaking the MTR, and attendant mitigation and adaptive strategies.

Table 6: Risks

Possible Risk	Probability	Impact on MTR	Mitigation and adaptive strategies
Delays in identifying and contacting stakeholders	High	High	The MTR team will be very reliant on the AHC and JSS4D to facilitate contact of key stakeholders within the allotted timeframe.
Delays in obtaining key documents	Medium	Medium	Work closely with JSS4D and AHC to ensure timely availability of documentation
Post-election uncertainty on who will occupy key GoPNG positions	Medium/High	High	Choice of provinces will be informed by feasibility of being able to engage key stakeholders.
Evolving security situation may necessitate changes to the schedule or visits to identified provinces/ARoB	Medium	Medium	Flexibility in planning and delivery of services, ongoing monitoring of security situation, contingency logistics.
COVID-19 risks associated with face-to-face contacts	High	High	All international MTR team will be vaccinated. Masks can be used where appropriate to reduce the risk of transmission. Meetings can be held outside where possible. If stakeholders prefer, interviews can be conducted by phone.
Natural disaster	Medium	High	Flexibility in planning and delivery of services, ongoing monitoring of weather forecasts, contingency logistics. Risks are somewhat reduced during dry season.

1.8 Safety and Ethical Practice

The evaluation will be conducted in accordance with both safe practice and ethical evaluation standards. Ongoing safety assessments will be conducted by both AHC, QTAG, the JSS4D team and the subcontracted security companies. Adjustments will be made to the schedule if required.

The Team Leader (Bu Wilson) is a member of the Australian Evaluation Society (AES) and hence bound by the AES Code of Ethical Conduct and the AES Guidelines for the Ethical Conduct of Evaluations.⁹³ Copies of the Code and Guidelines have been provided to other

⁹³ [Ethical Guidelines](#)

members of the review team. The team will also consider ethical approaches appropriate to international development settings.⁹⁴

Five central pillars guide the approach to this evaluation:

1. Respect for PNG culture, gender, and diversity: The review team will ensure that inquiry procedures are culturally competent and are conducted in settings that provide access and free expression of views by key informants; For example, both women and men, junior and senior officers; people living with disabilities. With due regard to ethical, safety and privacy principles, the team will attempt to hear the views of people with lived experience within the justice system. This is likely to be effected through discussions with service providers.

2. Protecting the legitimate concerns of both clients and stakeholders. The evaluation team will be cognisant of balancing the concerns of the review commissioner - the AHC - with the possibly conflicting perspectives of a wide variety of stakeholders. The views of all interviewees will be anonymous, and confidentiality will be ensured. No views will be traceable to informants.

3. Ensuring the cultural appropriateness of the evaluation approach. Again, linked to cultural competence this is about tailoring methods to suit the cultural situation.

4. Dissemination of information on evaluation methods, findings, and proposed actions. The review team will brief the key secretaries and heads of agencies of the SPGM of the proposed approach in an Inception Meeting and will take all possible actions within their control to ensure that key informants are well informed about their likely evaluation experience and the intent of the evaluation prior to their interviews. AHC has already provided support to this effect through the early notification of the review's existence/presence to the ARoB and PNG governments.

5. Meeting the needs of different stakeholders and the general public. The evaluation team hopes that this evaluation process will make a small contribution to developing national evaluation capability and will aim to ensure that the evaluation is also useful for PNG government agencies and non-government organisations.

Prior to the commencement of interviews, participants will be informed about the purpose of the MTR, how the information will be used, that their participation is voluntary and that unless agreed to, their name will not be used in the review documentation. This consent will be obtained verbally. Individuals will not be quoted within the review without prior written consent. Participants will be informed that they can change their mind and withdraw consent if they wish.

⁹⁴ Bamberger, M. (1999) Ethical Issues in Conducting Evaluation in International Settings, *New Directions for Evaluation*, Vol 82 pp.89-97

2 Approach and Methods

This section covers an overview of the methodological approach underpinning the evaluation, identifies the main types of data and its respective sources, presents a summary of the analytical framework used to develop the findings, and describes how analysis will be done.

The MTR team will work collaboratively with DFAT, JSS4D, stakeholders, partners, and civil society organisations to answer the KRQs, assess the extent of program achievement of and/or progress towards EOPOs and IOs; and identify opportunities to inform the design of the next iteration of JSS4D.

The MTR team will deliver a phased evaluation approach comprising inception and planning (including the production of the review plan, methods and research tools represented in this document). They will then conduct consultations and data gathering through remote interviews with Australian and PNG stakeholders, desktop document review, in-country meetings and interviews, analysis of interviews, and the development and delivery of an Aide Memoire. Finally, the MTR team will provide synthesis and final reporting against an evidence matrix (See Annex 1), delivery of the draft evaluation report, facilitation of discussion, feedback and revision of the draft report, and delivery of a final report including an executive summary and annexes as required.

2.1 Overview of the methodological approach

The MTR will be largely qualitative, and will utilise document review, semi-structured interviews, group meetings and possibly focus group discussions. Wherever possible interviews and meetings will be undertaken in person, and otherwise by phone or through a platform such as Zoom. Annex 1 outlines a draft evidence matrix that indicates which documents and which groups of informants are expected to assist in answering which KRQ and sub-questions.

There will be a purposive approach to sampling for interviews to ensure coverage of key identified stakeholders, with the option to use snowball or referral sampling where appropriate. Stakeholders will include the staff of the JSS4D program, partner governments (GoPNG and ABG), law and justice institutions and partners, civil society organisations, and selected academic analysts and commentators. A provisional list of organisations and individuals identified by the AHC, JSS4D, QTAG and the MTR team can be found at Annex 2. Additional informants will be added as the MTR progresses. An appropriate balance of male and female participants will be sought.

A set of semi-structured interview protocols will be developed. Where appropriate and with informed consent, interviews will be recorded, and detailed notes will be taken in each interview.

In formulating utility-focussed recommendations, the MTR team will assess the range of available future options (inclusive of the status quo), presenting the pros and cons of each, and appropriately justifying preferred options. The MTR will generate clear evidence to inform

findings and recommendations, and will indicate where evidence is strong, moderate, or weak using an evidence matrix.

Evidence will be gathered from multiple sources to reliably answer the KRQs. The report narrative will clearly indicate the data sources that support the findings for each KRQ. The data sources for this evidence are detailed further in section 2.2 below. Evidence of moderate strength and above will be acceptable to guide decisions and recommendations. Occasionally, weak evidence may be acceptable, but recommendations or judgements made using weak evidence will include an explanation.

The evaluation approach consists of 3 phases represented in Table 3 below.

Table 7: Evaluation phases, tasks and deliverable dates

Phase	Task	Provisional Dates
1. Planning and preparation	Initial document review, preliminary discussions, review planning, advise stakeholders of review, and finalise consultation schedule, some remote stakeholder interviews	July—19 August 2022
	Review plan	15 August 2022
2. Consultations & data gathering	Fieldwork: Port Moresby, Morobe, and ARoB (Commencing 21/8)	21 August—8 September
	Meet with AHC at commencement of visit Further virtual/remote consultations, where appropriate; further desktop review Aide Memoire	7 Sept 2022
3. Report Development	Analysis	12—30 September
	Prepare draft evaluation report and recommendations	
	Circulate draft report for comments and feedback	30 Sept 2022
	DFAT return comments	14 Oct 2022
	Finalised evaluation report delivered	31 Oct 2022

2.2 Summary of Data Sources

Table 4 outlines the key data sources that will inform the review.

Table 8: Data Sources

Data source	Description
Desktop review	<p>The desktop review takes place across phase 1 and 2 of the review. This will inform the interview questions, as well as providing evidence for each of the key-review questions as set out in the evidence matrix below.</p> <p>The JSS4D Design Update November 2020, Draft Interim Program Plan January 2021—31 December 2023, JSS4D Monitoring, Evaluation, Research and Learning Plan 2021 (v4), JSS4D Phase 2 National And Subnational Monitoring and Evaluation Framework 2021, and the Issues Response Implementation Plans (IRIP) will be used to guide the assessment of the extent to which the program achieved its intended outcomes.</p> <p>The desktop review will include additional JSS4D program documents enabling an evaluation of the extent to which there has been progress towards outcomes. The review of other GoA, GoPNG, academic, other donor, UN and NGO documents will further inform contextual analysis for the MTR.</p>
Interview and Group meetings	<p>Semi-structured interviews will be conducted with key stakeholders in order to uncover new insights relevant to each of the key review questions, and to confirm or extend findings from the desktop review. This method is most suitable when there is unlikely to be more than one chance to interview a respondent,⁹⁵ and allows respondents the freedom to express their views in their own terms, while providing reliable, comparable qualitative data.</p> <p>An interview guide will be further developed, comprising an introduction to the purpose of the review, and a list of questions and topics that need to be covered during the conversation, ideally in a particular order. However, interviews are an evolutionary process and early analysis can indicate the opportunity to test developing theories or springboard ideas from previous interviews. Where appropriate group meetings of stakeholders will be held.</p>

2.3 Data Management and Analysis

Data analysis is an iterative and reflexive process that begins early in a research process and will continue throughout the process of the review. Sound files and notes of interviews will be uploaded to a central secure location daily. Regular team meetings, and debriefings will ensure that the benefits of the approach are achieved. The team will respond when it appears that additional concepts need to be investigated with an appropriate method for collecting further relevant data and analysing it.

⁹⁵ Bernard, H. Research methods in cultural anthropology, University of Michigan, Sage Publications, 1988

The draft evidence matrix contained in Annex 1 outlines the sub-questions that have been devised to inform the evaluation criteria and key review questions. The matrix consists of a description of the assessment criteria/factors for consideration, the relevant documents for review and an indication of the targeted stakeholder groups and interests for the interview.

Verification and triangulation of evaluation findings will occur through data derived from a variety of sources; the use of multiple perspectives to interpret the data; and the use of a team of assessors, each of whom comes to law and justice development, family and sexual violence and evaluation from a unique standpoint (see Roles and Responsibilities of Team Members below). Populating the evidence matrix will enable the team to ensure triangulation of evidence; and make a judgement on strength of evidence available. This could be presented, discussed, and validated at the Aide Memoire presentation if time allows.

2.4 Contextual Analysis

Contextual analysis will be used to provide a holistic view of the context and environment that JSS4D operates in. This context includes relevant policies, institutions and processes, and the social, cultural, environmental, and economic aspects of areas of intervention by JSS4D. This will assist in assessing the contribution of the Program.

2.5 Reporting

The Aide Memoire will be presented just prior to the end of the in-country fieldwork, and advice will be sought from the AHC on appropriate attendees at this event.

The Team Leader will negotiate an appropriate reporting format for the final report with the AHC Team. It is anticipated this will be no more than 30 pages plus Annexes and will be written in accordance with Standard 6 for Independent Evaluation Reports, as outlined in DFAT Monitoring and Evaluation Standards May 2021.

2.6 Stakeholders

Stakeholders broadly fit into the categories of: JSS4D staff (and Cardno contract representatives) GoA personnel (including DFAT and AFP); GoPNG and ABG (including SPGM, NCM, RPNGC, Bougainville Police Service-BPS); direct and indirect program beneficiaries; community members in provinces where the program operates; and various other stakeholders (including NGOs and faith-based organisations) involved in the sector.

2.7 Project Governance

The review team leader will commit to regular briefings as required with the AHC contract manager. The team will participate in an inception meeting with AHC and the managing contractor at the start of the in-country input. In addition:

- The review team will be responsible for the provision of all deliverables in accordance with DFAT's 2017 Monitoring and Evaluation Standards. The review team will also be responsible for incorporating any feedback from the draft versions of the report.

- AHC will be responsible for i) coordination and liaison with the evaluation team, DFAT and broader GoA stakeholders; ii) provision of documentation for the evaluation team; iii) support for the coordination of review consultations and iv) drafting of the management response to the final evaluation report.
- The managing contractor will be responsible for supporting the in-country program scheduling, including liaison with partner government and other in-country stakeholders in Port Moresby, Bougainville, and other provinces.
- Other implementing partners will be responsible for sharing documentation, advice and assistance with consultations as requested.

2.8 Roles and Responsibilities

The MTR team will comprise three people plus the QTAG management support. Roles and responsibilities of the review team are outlined in Table 5.

Table 9: Evaluation team roles and responsibilities

Name	Role	Responsibilities
Bu Wilson	Team Leader	<ul style="list-style-type: none"> • Leads team in research, consultation, analysis, and reporting • Leads on design of research instruments • Conducts English language interviews with stakeholders • Data collection, management, analysis, synthesis • Develops reports and presentations • Monitoring of work delivered by team members
Sally Moyle	Gender-based violence specialist	<ul style="list-style-type: none"> • Provides technical and research input and review for all deliverables to ensure they align with the evaluation plan and DFAT expectations • Supports design of research instruments • Conduct English language interviews with select stakeholders as required • Data collection, management, analysis, synthesis • Supports development of reports and presentations
Orovu Sepoe	Gender & inclusion Specialist	<ul style="list-style-type: none"> • Provides technical and research input and review for all deliverables to ensure they align with the evaluation plan and DFAT expectations • Provide specific support on issues of GEDSI • Supports design of research instruments • Conduct English or Tok Pisin language interviews with select stakeholders as required • Data collection, management, analysis, synthesis • Supports development of reports and presentations • Assist in identifying interviewees from existing networks in Papua New Guinea
	Panel Members	<ul style="list-style-type: none"> • Provide high-level quality assurance as directed / requested by the team leader • Provision of advice / expertise to the team or specific team members as required • Participation in group discussions related to the completion of the review process at the team leader's discretion
Kate Allott	QTAG Program Manager	<ul style="list-style-type: none"> • Single point of contractual accountability for DFAT, along with QTAG program management team • Oversight of logistical, scheduling and security issues • Provides strategic oversight of the MTR team • Supports quality assurance for draft and final deliverables

Annex 1 Draft Evidence Matrix

Table 10: Draft Evidence Matrix

Evaluation Criteria: Relevance

KRQ1 - To what extent is the program aligned with GoA and GoPNG priorities?

Sub-questions	Assessment criteria/factors for consideration	Desktop Review	JSS4D	GoA incl PNG-APP	GoPNG and ABG including SPGM/NCM	Implementing partners, NGOs, faith-based organisations	Beneficiaries	Analysts/ other Donors
1.1 To what extent is the program strategically important to the Australian national interest and GoPNG development priorities?	<ul style="list-style-type: none"> Strategic importance beyond EOPOs Alignment with other GoA investments Alignment with GoPNG priorities Opportunities for alignment with new GoA/DFAT policy directions e.g., Office of First Nations Engagement Include GEDSI commitments 	MTDPIII, White Paper, CSEP, COVID Response Plan PNG	✓	✓	✓			✓
1.2 To what extent are the design and governance mechanisms relevant in the current operating environment?	<ul style="list-style-type: none"> Appropriate balance of ownership and oversight 	ToR SPGM, ToR NCM, Minutes of SPGM and NCM meetings, 2018 MTR	✓	✓	✓			✓

Sub-questions	Assessment criteria/factors for consideration	Desktop Review	JSS4D	GoA incl PNG-APP	GoPNG and ABG including SPGM/NCM	Implementing partners, NGOs, faith-based organisations	Beneficiaries	Analysts/ other Donors
1.3 If more resources were available what would be the opportunities that could be addressed?	<ul style="list-style-type: none"> What more could or should we do? Any untapped areas or areas where the program could go deeper 		✓	✓	✓	✓	✓	✓

Evaluation Criteria: Efficiency

KRQ2 - To what extent is JSS4D achieving its intended outcomes?

Sub-questions	Assessment criteria/factors for consideration	Desktop Review	JSS4D	GoA incl PNG-APP	GoPNG and ABG including SPGM/NCM	Implementing partners, NGOs, faith-based organisations	Beneficiaries	Analysts/ Other donors
2.1 To what extent is JSS4D achieving its EOPOs and IOs?	<ul style="list-style-type: none"> Were IIO's and EOPOs realistic and achievable given the context, resources, and timeframe? Impacts of COVID-19 Any adjustments that need to be made 	Design Update, Phase 2 multiyear plan, Progress Reports, AQC/IMR, MERL, MEF, IRIPs, Sustineo Village Court and Land Mediation report	✓	✓	✓	✓	✓	✓

Sub-questions	Assessment criteria/factors for consideration	Desktop Review	JSS4D	GoA incl PNG-APP	GoPNG and ABG including SPGM/NCM	Implementing partners, NGOs, faith-based organisations	Beneficiaries	Analysts/ Other donors
	<ul style="list-style-type: none"> • Opportunities for improvement • Significant examples of positive change and impact (including attribution/contribution) • Unintended outcomes/impact 							
2.2 Is the current MERL fit for purpose?	<ul style="list-style-type: none"> • Can/do current MEL systems and resources inform decision making, produce evidence of IIOs and EOPOS and meet DFAT standards? • Is sufficient GEDSI data collected/analysed, and outcomes reported? • Are the current indicators/outcomes traceable/measurable in this context? • Are we measuring the rights things? • To what extent are MERL systems and resourcing sufficient for a fit for purpose MERL? 	Design Update, Progress Reports, Phase 2 multiyear plan, AQC/IMR, MERL, MEF, IRIPs, 2018 MTR	✓	✓	✓			

Evaluation Criteria: Efficiency

KRQ3 - To what extent has JSS4D achieved results in gender equality and disability inclusion?

Sub-questions	Assessment criteria/factors for consideration	Desktop Review	JSS4D	GoA incl PNG-APP	GoPNG and ABG including SPGM/NCM	Implementing partners, NGOs, faith-based organisations	Beneficiaries	Analysts/ Other donors
3.1 To what extent does JSS4D programming on family and sexual violence and Village Courts complement or overlap with other programming?	<ul style="list-style-type: none"> • Leveraging from or contributing to other GoA, GoPNG, other donor programming • Any unintended impacts +ve or -ve • Shifts in commitment/capacity on GEDSI • Gaps • Examples of good practice 	Design Update, Progress Reports, AQC/IMR, MERL, MEF, IRIPs, other donor reporting, evaluations, academic papers, 2018 MTR, Sustineo Village Court and Land Mediation report, QTAG Final Review PNG-Australia Governance Partnership, other GoA reporting, PNG-PAP reporting, Pacific Women Reporting, Spotlight Reporting	✓	✓	✓	✓		✓
3.2 How transformative and sustainable are JSS4D GEDSI results?			✓	✓	✓	✓	✓	✓

Evaluation Criteria: Efficiency

KRQ4 - To what extent has JSS4D been delivered efficiently?

Sub-questions	Assessment criteria/factors for consideration	Desktop Review	JSS4D GoA incl PNG-APP	GoPNG and ABG including SPGM/NCM	Implementing partners, NGOs, faith-based organisations	Beneficiaries	Analysts/	Other donors
4.1 How has the Phase 2 multi-year funding model and the smaller number of activity plans impacted program implementation and impact?	<ul style="list-style-type: none"> Consider whether the program is targeted in the right provinces and partnering with the right agencies; is it too thinly spread? Given limited resources is the balance of funding between rural areas (with 90% of population) and the national level (with benefits of access, relationships, policy change etc) optimal? 	Design Update, AQC/IMR, Progress reports, IRIPs, evaluation reports, 2018 MTR	✓	✓	✓			
4.2 How effective is the current split between national and sub-national support and focus?	<ul style="list-style-type: none"> Consider whether the program is targeted in the right provinces and partnering with the right agencies; is it too thinly spread? <p>Given limited resources is the balance of funding between rural areas (with 90% of population) and the national level (with benefits of access,</p>	Design Update, AQC/IMR, Progress reports, IRIPs, evaluation reports, 2018 MTR	✓	✓	✓		✓	✓

Sub-questions	Assessment criteria/factors for consideration	Desktop Review	JSS4D GoA incl PNG-APP	GoPNG and ABG including SPGM/NCM	Implementing partners, NGOs, faith-based organisations	Beneficiaries	Analysts/	Other donors
	relationships, policy change etc) optimal?							

Evaluation Criteria: Sustainability

KRQ5 - To what extent are JSS4D outcomes sustainable?

Sub-questions	Assessment criteria/factors for consideration	Desktop Review	JSS4D GoA incl PNG-APP	GoPNG and ABG including SPGM/NCM	Implementing partners, NGOs, faith-based organisations	Beneficiaries	Analysts /	Other donors
5.1 What changes/results indicate or point to sustainability?	<ul style="list-style-type: none"> What changes could improve sustainability? Are GEDSI results transformative and sustainable? 		✓	✓	✓	✓	✓	✓

• **Annex 2 Provisional Stakeholder List**

See attached excel spreadsheet.

Annex E Matching of EOPOs/IOs and IRIP

EOPOs and IOs IRIPs

IRIP Number	110-2101	110-2102	120-2103	210-2102	210-2103	210-2104	210-2105	210-2106	220-2107	220-2108	220-2109	220-2110	220-2111	310-2101	310-2102	320-2103	320-2104
IRIP Title	Sector Strategic Framework and Policy Engagement	Sector Monitoring, Evaluation, Reporting and Learning (SMERL)	Sector Leadership, Learning and Development	Hela Village Courts and Land Mediators deliver inclusive, accessible and effective	Morobe Village Courts and Land Mediators deliver inclusive, accessible and effective	Southern Highlands Village Courts and Land Mediators deliver inclusive,	Western Village Courts and Land Mediators deliver inclusive, accessible and	VCLMS support Village Courts and Land Mediators deliver inclusive, accessible, and	Enga local communities respond to specific safety and security concerns.	Hela Local Communities Prevent and Respond to Specific Safety and Security Issues	Morobe Local Communities Prevent and Respond to Specific Safety and Security Issues	Southern Highlands Local Communities Prevent and Respond to Specific Safety and Security Issues	Western Local Communities Prevent and Respond to Specific Safety and Security Issues	Strengthen Prosecution of FSV	Inclusive Support Services	Law and justice sector addressing corruption	Strengthening prosecution of corruption
National and Common Priorities = Black, Subnational =Blue																	
EOPO1: Law and justice agencies develop and implement inclusive legal policy initiatives and services	✓	✓	✓														
IO 1.1 Law and justice agencies reviewing and addressing policy and legislative gaps relating to gender equality, disability inclusion, juvenile justice and anti-corruption	✓	✓															
IO 1.2 Justice agencies identifying and implementing leadership and professional skills and reform priorities	✓	✓	✓														
EOPO2: Provinces coordinate local delivery of inclusive and accessible justice services outlined in law and justice plans				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				
IO 2.1 Village Courts and Land Mediators deliver inclusive, accessible, and effective services in targeted areas				✓	✓	✓	✓	✓	✓								
IO 2.2 Local communities prevent and respond to specific safety and security issues									✓	✓	✓	✓	✓				
EOPO3: Demonstrated improvements in accessibility and enforcement in priority areas of FSV, anti-corruption and juvenile justice														✓	✓	✓	✓
IO 3.1 RPNGC, justice agencies, and inclusive support services (including disability) collaborate on prosecutions of FSV, corruption and youth in conflict with the law (juvenile custody, rehabilitation and reintegration)														✓	✓		
IO 3.2 Justice agency leaders foster administration, cultures, systems and accountability mechanisms that resist corruption																✓	✓

Bougainville						
IRIP Number	410-2101	430-2102	430-2103	430-2104	430-2105	430-2106
IRIP Title	AROB 1: Provision of consistent, quality legal advice and services to the ABG	AROB 2: Establishment of effective law and justice institutions and services	AROB 3: Enhance and improve access to community- based justice services for all	AROB 4: Facilitate effective rehabilitation, re-integration and reconciliation programs	AROB 5: Bougainville Police Service (BPS) & Correctional Service (CS) Capacity Building	AROB 6: Inclusivity, FSV and victim support services
EOPO B1: Local level dispute resolution and conflict mediation mechanisms are more effective, locally legitimate and available			✓	✓		
IO B1.1: Village courts, land mediators and community governance arrangements are more effective and supporting each other			✓	✓		
IO B1.2: Local level dispute resolution mechanisms are adequately resourced and more effectively linked to formal law enforcement			✓			
IO B1.3 Crime prevention initiatives, focused on rehabilitation of offenders and diversion, are implemented				✓		

EOPO B2: Women and others vulnerable to family and sexual violence (FSV) increasingly access justice, legal protection and support services						✓
IO B2.1: Women and other vulnerable groups increasingly access effective legal protection and assistance						✓
IO B2.2: Increase in timely investigation and prosecution of FSV cases in the lower and national courts						✓
IO B2.3: Women and other vulnerable people are empowered to influence the delivery of law and justice						✓
IO B2.4: Law and justice sector agencies demonstrate improved response to Bougainville conflict drivers of FSV						✓
EOPO B3: Bougainville law and justice services are delivered ethically and accountably, with a focus on accessibility, quality and service	✓	✓	✓	✓	✓	
IO B3.1: Prioritised infrastructure investments expand access to law and justice services		✓			✓	
IO B3.2: Management, leadership and prioritised professional skills are stronger in law and justice agencies	✓					
IO B3.3: Law and justice agencies in Bougainville demonstrate accountability and transparency in the delivery of services		✓	✓	✓		
IO B3.4: Bougainville has enhanced internal capacity to provide legal services to the ABG	✓					

IO B3.5: Appropriate and coherent approach to the progressive transfer of law and justice related powers and functions	✓					
EOPO B4: A more credible and functioning Bougainville Police Service effectively linked to Community Policing and other arms of the ARB law and Justice System					✓	
IO B4.1 ARB police staffing increases, including the number of policewomen					✓	
IO B4.2 BPS HR systems and corporate and administrative services support the delivery of good quality, accountable policing services					✓	
IO B4.3 BPS and Community Auxiliary Police demonstrate improved policing, competencies, and response to key community and ABG concerns					✓	
IO B4.4 Supporting policy developments to identify a police service appropriate to ARB's vision					✓	

Achieving EOPOs and IOs

To what extent is JSS4D achieving its EOPOs and IOs?						
	IRIPS (National and Common Priorities = Black, Subnational =Blue)	JSS4D APR 2021 Rating	JSS4D 6m 2022 rating	MTR Team observations on Intermediate Outcomes	Identified challenges	Data sources
EOPO1: Law and justice agencies develop and implement inclusive legal policy initiatives and services	110-2101, 110-2102, 120-2103	Good progress		✓ Good progress on Law and Justice Sector (White Paper) Policy, submission of Rehabilitation and reintegration policy to DNPM for endorsement, Family Protection Act (FPA) amendments passed by National Parliament. ✓ Good progress on engagement of PWD & endorsement of the Disability Inclusive Communications Guide X Reliable M&E data not yet developed and consistently used to inform decision making △	•Time & capacity of GoPNG counterparts to engage •2022 Election •COVID-19: Some slowing of activities due to advisor absence and difficulties meeting face to face due to COVID	1,2,3
IO 1.1 Law and justice agencies reviewing and addressing policy and legislative gaps relating to gender equality, disability inclusion, juvenile justice and anti-corruption	110-2101, 110-2102			✓ Good progress on Law and Justice Sector (White Paper) Policy, submission of Rehabilitation and reintegration policy to DNPM for endorsement, Family Protection Act (FPA) amendments passed by National Parliament. ✓ Juvenile Rehabilitation and Reintegration Policy launched (TA from UNICEF & QA and financial support from JSS4D) ✓ Good progress on GEDSI CoP, engagement of PWD, & endorsement of the Disability Inclusive Communications Guide	1,2,3	1,2,3
IO 1.2 Justice agencies identifying and implementing leadership and professional skills and reform priorities	110-2101, 110-2102, 120-2103			✓ Good progress on identifying and implementing leadership and professional skills reform X Strengthening M&E capacity still nascent, reliable M&E data not yet developed and consistently used to inform decision making X Annual Sector Performance Report not produced ? Unclear if JSS M&E Working Group Active	1,2,3	
EOPO2: Provinces coordinate local delivery of inclusive and accessible justice services outlined in law and justice plans	210-2102, 210-2103, 210-2104, 210-2105, 210-2106, 220-2107, 220-2108, 220-2109, 220-2110, 220-2111	On track			1,2,3	1,2,3
IO 2.1 Village Courts and Land Mediators deliver inclusive, accessible, and effective services in targeted areas	210-2102, 210-2103, 210-2104, 210-2105, 210-2106, 220-2107				1,2,3,4	Village Courts
IO 2.2 Local communities prevent and respond to specific safety and security issues	220-2107, 220-2108, 220-2109, 220-2110, 220-2111				1,2,3	
EOPO3: Demonstrated improvements in accessibility and enforcement in priority areas of FSV, anti-corruption and juvenile justice	310-2101, 310-2102, 320-2103, 320-2104				1,2,3	
IO 3.1 RPNGC, justice agencies, and inclusive support services (including disability) collaborate on prosecutions of FSV, corruption and youth in conflict with the law (juvenile custody, rehabilitation and reintegration)	310-2101, 310-2102	Good progress on investigation and prosecution of FSV.			1,2,3	
IO 3.2 Justice agency leaders foster administration, cultures, systems and accountability mechanisms that resist corruption	320-2103, 320-2104	Good progress on prosecution of corruption and strengthen systems to resist			1,2,3	
Principal sources of evidence						
1. DFAT, 2022. Annual Investment Monitoring Report, INL816 - Justice Services Stability for Development, for period 1 Jan 2021 to 31 Dec 2021						
2. JSS4D, 2022. Annual Performance Report 2021						
3. JSS4D, 2022. Progress Report January-June 2022						
4. Sustineo, 2022. Village Courts and Land Mediation Study: Desk Assessment. Justice Services and Stability for Development (JSS4D) September 2022.						

Annex F MERL System – List of Exceptions to DFAT MEL Standards

- There does not appear to have been an evaluability assessment carried out by JSS4D (as required by DFAT M&E Standard 2.2), although a series of questions to this end are posed in the MERL Plan. The purpose of an evaluability assessment is to assess proposed and potential data sources (including partner systems) to ensure that data is of sufficient quality, is sufficiently disaggregated, will be collected and analysed as expected, and will be available within the required reporting cycles.⁹⁶
- The selection of data sources for the MELF presupposes that individuals responsible for implementing the M&E Plan have the capacity to do so (time, resources, and skills) (DFAT M&E Standard 2.16). The MTR team requested the MERL team to analyse the availability of nominated data sources in the MELF. The MERL team together with other senior managers, confirmed that many of the nominated data sources are not available, or in some cases are not of adequate quality. Their analysis also highlights that a careful sense of proportionality needs to be applied to future identification of data sources, noting that even when data is available, time, resources and skills are required to access, review, and analyse data and a judgement needs to be made of the ultimate value of that data.
- The complexity and length of the MERL Plan raises the question of whether it can reasonably be understood by non-specialists and key stakeholders (DFAT M&E Standard 2.19). There appears to be a disjunction between statements that “the MERL Plan is an internal document to be shared only between JSS4D and DFAT” and “the MERL explains Roles and Responsibilities of JSS4D and LJS staff and an indicative implementation schedule of M&E activities is included”.
- The utility of the MELF (in particular for non-specialists and key stakeholders – see DFAT Standard 2.19) is limited by too many indicators and data sources, an untenable number of internal and external research, evaluation and case studies, an unreasonable reliance on availability and quality of GoPNG and ABG data;⁹⁷ and an unrealistic expectation of how much time non-MELF advisers can devote to M&E.
- In addition, the MELF has not been updated to include targets for 2022 and 2023 which is a prerequisite for meaningful progress reporting. It is not possible to derive these higher-level targets from the individual and activity focused IRIPs.
- Finally, The Multi-Year Plan contains different versions of IOs for Bougainville in a Summary at p.28 and in the appended MELF, with some IOs missing from both. The IOs in the Summary have been used for reporting by the Bougainville team. The MTR team raised this with the MEL Team and the Bougainville Team who have nominated the version in the IRIPs as authoritative.

⁹⁶ In addition to the DFAT M&E Standards 2017 see [Evaluability Assessment](#) for further guidance.

⁹⁷ Although IRIP 110-2102 seeks to address these noted shortcomings, it is not reasonable to rely on GoPNG data in the short to medium term as the basis for reporting.

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- In summary, the JSS4D M&E products report only partially against planned M&E activities and plan, are not yet meeting stakeholder (DFAT, JSS4D, GoPNG) needs, and do not demonstrate how M&E systems have informed learning, decision making, and action (DFAT M&E Standards 2.21-2.23). This is in large part due to an overburdened MELF, together with a need to move to clearer and more accessible reporting.

Annex G Detailed progress against EOPOs and IOs

Observations on progress towards EOPOs and IOs

EOPO1: Law and Justice agencies develop and implement inclusive legal policy initiatives and services⁹⁸

JSS4D assessment of progress 2021 Annual Performance Report (APR): Good progress

JSS4D assessment of progress 2022 6 Monthly Report: Good progress

Challenges

- There is limited time and availability of busy GoPNG counterparts to engage on policy work;
- The 2022 Election interrupted the normal functioning of the Law and justice system and drew many RPNGC police away from their usual work.
- COVID-19 saw some slowing of activities, reduced engagement due to remote working and adviser illness, and modified training requirements, resulting in an underspend for 2020-2021 and significant reprogramming.

IO 1.1 Law and justice agencies reviewing and addressing policy and legislative gaps relating to gender equality, disability inclusion, juvenile justice, and anti-corruption

Relevant IRIPs: 110-2101 and 110-2102

JSS4D assessment of progress 2022 6 Monthly Report: Adequate progress, some risks

MTR Team observations on progress Phase 2

- Good progress on LJS (White Paper) Policy, submission of Rehabilitation and reintegration policy to the Department of National Planning and Monitoring for endorsement, Family Protection Act amendments passed by National Parliament.
- Juvenile Rehabilitation and Reintegration Policy launched (with technical assistance from UNICEF and quality assurance and financial support from JSS4D).
- Good progress on the GEDSI CoP, engagement of people with disabilities in the program, and endorsement of the Disability Inclusive Communications Guide by GoPNG NCM.

⁹⁸ JSS4D, 2022. Annual Performance Report 2021; JSS4D, 2022. Progress Report January-June 2022; DFAT, 2022. Annual Investment Monitoring Report, INL816 - Justice Services Stability for Development, for period 1 Jan 2021 to 31 Dec 2021; IRIP reports 110-2101, 110-2102, 120-2103 for January to June 2022, stakeholder interviews.

- However, there has been less focus on anti-corruption, although production of the fraud training booklet is on track and mentoring and coaching for prosecutors on prosecuting corruption has progressed well. (See also IO 3.2 below).

IO 1.2 Justice agencies identifying and implementing leadership and professional skills and reform priorities

Relevant IRIPs: 110-2101, 110-2102, 120-2103

JSS4D assessment of progress 2022 6 Monthly Report: Good progress

MTR Team observations on progress Phase 2

- Good progress on identifying and implementing leadership and professional skills reform and delivery of highly valued leadership programming (with good accounts of outcomes).
- Work to strengthen M&E capacity in GoPNG LJS agencies is still nascent; efforts to support DJAG, Village Courts and Land Mediation Secretariat (VCLMS) and the OPP to review information management and/ or data collection are progressing but still not delivering structural improvements.
- Reliable M&E data are not yet being developed by law and justice agencies or consistently used to inform decision making by the sector or program.
- The Annual Sector Performance Report, anticipated in the Draft Interim Program Plan, has not been produced since 2014.
- The LJS M&E Working Group, which together with JSS4D is responsible for monitoring and evaluation of the Program,⁹⁹ is not mentioned in either the 2021 Annual Performance Report or the 2022 six monthly report.

EOP02: Provinces coordinate local delivery of inclusive and accessible justice services outlined in law and justice plans¹⁰⁰

JSS4D assessment of progress 2021 APR: On track

JSS4D assessment of progress 2022 6 Monthly Report: Adequate progress, some risks

Challenges

- The Sustineo JSS4D Village Courts and Land Mediation study report was not available in time for the MTR team to assess.
- The DJAG report on Village Court audits, and other Village Court data, were promised but not provided to the MTR team.

⁹⁹ Draft Interim Program Plan.

¹⁰⁰ JSS4D, 2022. Annual Performance Report 2021; JSS4D, 2022. Progress Report January-June 2022; DFAT, 2022. Annual Investment Monitoring Report, INL816 - Justice Services Stability for Development, for period 1 Jan 2021 to 31 Dec 2021; IRIP reports 210-2102, 210-2103, 210-2104, 210-2105, 210-2106, 220-2107, 220-2108, 220-2109, 220-2110, 220-2111 for January to June 2022; Sustineo, 2022. Village Courts and Land Mediation Study: Desk Assessment. Justice Services and Stability for Development (JSS4D) September 2022; stakeholder interviews.

- The MTR team could not find reliable information or consolidated data on JSS4D training *outcomes*.
- JSS4D Progress reporting, and IRIP reporting, for IO2.1 is confusing and poorly structured, and requires consolidating and streamlining.
- The diversity of JSS4D activities across provinces and ARoB, while appropriate, makes aggregating progress challenging (See e.g., Annex I).
- Lack of counterpart availability (variously due to staff turnover, illness, provincial restructure, limited casualised staff) notably in Hela and Western Provinces, is impacting on JSS4D plans.
- There is reportedly a reduced cohort of senior officers in VCLMS with the depth of knowledge and experience to lead the Village Court Strategy rollout in the provinces.¹⁰¹
- Access, and consequently implementation, in Western Province has been challenging due to riverine and swampy terrain, bad weather, unreliable commercial aircraft, and poor communications infrastructure. The vast geographic spread in Morobe also challenging.
- Engagement in Enga has been particularly challenging and politically sensitive.
- Some Revitalisation of Village Courts Strategy 2020 to 2030 requirements including Year 12 education level standards for Village Court Officers and design requirements for Village Courts may prove operationally challenging. We would be concerned if effective Village Court Officers were made redundant because of newly introduced education requirements.
- The lack of national, provincial, district and local government funding limits activities and reduces the operation of VCLMS.
- Nationwide, an average of 4 Village Court Officers in each Village Court are not on payroll, impacting on efficient and effective services.
- There is some national and provincial resistance to increasing the proportion of women as Village Court Officers.
- Provinces still fail to prioritise the empowerment of women, disability inclusion and support to juvenile justice.
- There has been a significant increase in SARV in Hela; reports of SARV cases being handled by Village Courts despite cases being outside the remit of a Village Court.
- Provincial training plans are consistently delayed by central approval processes.
- COVID-19 and election security issues, and tribal violence in Hela, delayed programming,

IO 2.1 Village Courts and Land Mediators deliver inclusive, accessible, and effective services in targeted areas

Relevant IRIPs: 210-2102 (Hela), 210-2103 (Morobe), 210-2104 (SHP), 210-2105 (Western): Village Courts and Land Mediators deliver inclusive, accessible and effective services in targeted areas, 210-2106: VCLMS support Village Courts and Land Mediators

¹⁰¹ IRIP Report 210-2106, January to June 2022.

deliver inclusive, accessible, and effective services in targeted areas, 220-2107: Enga local communities respond to specific safety and security concerns.

JSS4D assessment of progress 2022 6 Monthly Report: Adequate progress, some risks

MTR Team observations on progress Phase 2

- JSS4D supported VCLMS in launching and promoting the Crime Prevention through Revitalising the Village Court System Strategy 2020 – 2030, an important framework for donors, partners, administrations, and other sector actors to help contribute to reducing crime and increasing safety.
- Preliminary data from the 2022 JSS4D-commissioned Perceptions of Crime and Safety Study,¹⁰² suggests 69 per cent of respondents (women, 66 per cent; men 72 per cent) were aware of the role and jurisdiction of Village Courts; 34 per cent of respondents (women 30 per cent; men 38 per cent) reported that they or their family have sought assistance from the Village Courts in the last three years; and of those 77 per cent of respondents (women 75 per cent; men 77 per cent) were very or partly satisfied with the results of that assistance.
- In 2021 the number of 223 village courts inspected exceeded the target of 172 inspections in JSS4D target provinces (set in the MELF), with additional opportunities to disseminate COVID-19 health awareness and personal protective equipment (PPE). In first 6 months of 2022, 39 Village Courts were inspected (there was no target for 2022). The results of inspections were variable, with some improvements in some locations. Extent of follow up on required corrective actions by VCLMS and provincial administrations was reported to be variable across locations.
- JSS4D supported 3 audits by VCLMS in Morobe, ARoB and Hela (funding for Morobe and ARoB audits came from UNICEF, preplanning and logistical support came from JSS4D).
- There is evidence of some ad-hoc improvements to Village Court quarterly reporting and timely submission, including Morobe being able to collate 269 Quarterly Reports from 2017–2021, which were submitted in 2021.
- A District FSVAC was established in Huon Gulf, Morobe.
- 2 Provincial Village Court Committees were established, one in Milne Bay and one in SHP, both having been established with leadership by their provincial administrations.
- 3 Village Court houses were completed in Hela, Morobe and SHP, complete with disability access.
- JSS4D supported 16 Village Court Officers in SHP to begin upgrading their qualifications to Grade 12.
- There was some limited training for (all male) land mediators.

IO 2.2 Local communities prevent and respond to specific safety and security issues

¹⁰² Reported in Sustineo, 2022 Village Courts and Land Mediation Study: Desk Assessment Justice Services and Stability for Development (JSS4D) September 2022.

Relevant IRIPs: 220-2107, 220-2108, 220-2109, 220-2110: SHP, 220-2111

JSS4D assessment of progress 2022 6 Monthly Report: Adequate progress, some risks

MTR Team observations on progress Phase 2

- JSS4D provided support to all priority provinces to produce strategic plans and annual plans (Enga's plan is still in draft) and develop the first Western Province law and justice plan.
- 30 counterparts were trained in gender sensitisation and referral procedures for the roll out of the District FSVAC in Huon District, including 5 women.
- JSS4D provided support to counterparts in Morobe for follow up on 2 trainings held in relation to people living with disability, reportedly finding strong indications that the training was not only beneficial but improved participant's self-esteem.
- JSS4D supported the refurbishment of Buimo Correctional Institution Male Juvenile Facility resulting in better facilities and more humane conditions for those in custody, and a new semi open learning centre.
- Support for Deputy Provincial Administrator Henry Hapen in SHP to continue to lead province-wide peace management consultations and awareness sessions, anecdotally credited with having maintained relative peace and achieving peaceful resolutions to a number of incidents.
- JSS4D delivered training to PGOC on awareness of peace management and law and justice services in SHP, allowing resolution of disputes.
- JSS4D provided support to youth activities in Western Province.
- JSS4D supported Magisterial Services of Western Province to conduct a District Court circuit in Balimo and Middle Fly Districts.

EOP03: Demonstrated improvements in accessibility and enforcement in priority areas of FSV, anti-corruption and juvenile justice

JSS4D assessment of progress 2021 APR: Good progress on investigation and prosecution of FSV. Stagnation on prosecution of corruption and strengthen systems to resist corruption

JSS4D assessment of progress 2022 6 Monthly Report: Adequate progress, some risks

Challenges

- Patriarchal, victim blaming, perpetrator excusing attitudes and behaviours on FSV are widespread and internalized throughout PNG, including within the sector. Identifying leaders who are willing to lead and strengthen the work on FSV is a challenge.
- There is a lack of corporate support and resourcing at OPP which limits effectiveness of prosecution work, heavy workload in the Serious Corruption and Dishonesty (SCAD) Unit.
- There is a lack of data to demonstrate the impact of the work being undertaken by the police and the OPP, in part due to the lack of resources available at provincial level.

- Proliferation of actors delivering training and programs on FSV that are not based on best-practice, survivor-centred, trauma-informed, intersectional models.
- Coordination between JSS4D and the PNG-Australia Policing Partnership (PNG-APP) on FSV initiatives remains challenging.
- Lack of engagement and support by GoPNG for collaborative anti-corruption activities.
- The anticipated engagement by JSS4D with the Ombudsman Commission on anti-corruption is not materialising.

IO 3.1 RPNGC, justice agencies, and inclusive support services (including disability) collaborate on prosecutions of FSV, corruption and youth in conflict with the law (juvenile custody, rehabilitation, and reintegration)¹⁰³

Relevant IRIPs: 310-2101, 310-2102

JSS4D assessment of progress 2022 6 Monthly Report: Adequate progress, some risks

MTR Team observations on progress Phase 2

- JSS4D supported development and revision of the Police Gender and FSVU Curriculum for RPNGC.
- JSS4D provided highly valued support to RPNGC, focused on improving investigation and prosecution skills, responses to FSV, election safety and Standard Operating Procedures, anecdotally resulting in improvement in police responses.
- JSS4D delivered highly valued training, mentoring, and technical support to OPP, with specific training on improving handling of child witnesses, including those with disabilities; anecdotal improvement in successful submissions based upon JSS4D adviser advice, gender relations in OPP through positive modelling, and a significant reduction in time required for prosecutors to be able to work independently.
- JSS4D provided ongoing support to strengthen referral pathways on FSV through a review of the Survivor Advocate Toolkit (including the integration of trauma module and disability-inclusion), training, and launch and public screening of the 'Strongim Sindaun Bilong Famili' documentary, reaching a target audience of 2 million people throughout the country.
- JSS4D contributed to improved progress on investigation and prosecution of FSV offences despite the cancellation of some activities caused by COVID-19.
- There was greater coordination and collaboration between RPNGC and OPP for more effective prosecution of FSV and improved quality of committal hand-up briefs.
- GoPNG provided increased budget allocation to OPP for improvement of the case management system, with JSS4D providing technical assistance.

¹⁰³ JSS4D, 2022. Annual Performance Report 2021; JSS4D, 2022. Progress Report January-June 2022; DFAT, 2022. Annual Investment Monitoring Report, INL816 - Justice Services Stability for Development, for period 1 Jan 2021 to 31 Dec 2021; IRIP reports 310-2101, 310-2102, 320-2103, 320-2104 for January to June 2022; stakeholder interviews.

- JSS4D funded radio, TV and SMS blasts and the screening of the referral pathways documentary by EMTV, hopefully leading to increased general awareness on referral pathways and accessing services (although there is yet to be robust evidence for this).

IO 3.2 Justice agency leaders foster administration, cultures, systems, and accountability mechanisms that resist corruption

Relevant IRIPs: 320-2103, 320-2104

JSS4D assessment of progress 2022 6 Monthly Report: Challenging (i.e., Inadequate, with significant risk)

MTR Team observations on progress Phase 2

- JSS4D provided mentoring and capacity development of OPP SCAD through delivery of 11 separate Continuing Legal Education sessions and one-on-one mentoring in Waigani, Lae and Mt Hagen.
- Financial support is provided via DFAT to Transparency International, but with limited connection to JSS4D activities.

Bougainville

EOPB B1: Local level dispute resolution and conflict mediation mechanisms are more effective, locally legitimate, and available¹⁰⁴

Relevant IRIPs: 430-2103, 430-2104

IO B1.1: Village courts, land mediators and community governance arrangements are more effective and supporting each other

IO B1.2: Local level dispute resolution mechanisms are adequately resourced and more effectively linked to formal law enforcement

IO B1.3 Crime prevention initiatives, focused on rehabilitation of offenders and diversion, are implemented

JSS4D assessment of progress 2021 APR: Not assessed

JSS4D assessment of progress 2022 6 Monthly Report: Adequate progress, some risks

Challenges (across all EOPBs)

- The LJS in Bougainville is small, with a limited number of staff within agencies. This results in competing demands on counterparts' time affecting overall implementation and sustainability.

¹⁰⁴ For all EOPBs sources include JSS4D, 2022. Annual Performance Report 2021; JSS4D, 2022. Progress Report January-June 2022; DFAT, 2022. Annual Investment Monitoring Report, INL816 - Justice Services Stability for Development, for period 1 Jan 2021 to 31 Dec 2021; IRIP reports 210-2102, 210-2103, 210-2104, 210-2105, 210-2106, 220-2107, 220-2108, 220-2109, 220-2110, 220-2111 for January to June 2022; Sustineo, 2022. Village Courts and Land Mediation Study: Desk Assessment. Justice Services and Stability for Development (JSS4D) September 2022; stakeholder interviews.

- Remoteness of some locations severely limits access to law and justice services (for example Nissan Atolls)
- Financial and human resource constraints within both GoPNG and ABG mean many agencies remain under resourced to implement a full range of services.
- The legacy of the Bougainville Crisis continues to effect communities' understanding and acknowledgment of the rule of law and the role of law and justice agencies. Trauma caused by the Crisis - manifesting in ongoing social problems - remains a significant issue.
- Law and justice services in ARoB are concentrated in the 3 urban centres of Buka, Arawa and Buin. The geography of the region combined with limited transport and communications infrastructure mean that extending services to rural communities is a challenge.
- ARoB continues to experience high levels of FSV and a lack of gender equality.
- Of the law and justice agencies operating in ARoB, only the ABG Department of Justice and Legal Services (DJLS) is currently a uniquely Bougainvillean institution, with the others remaining outposts of national agencies.
- Facilitating the transfer of power and control over government services from GoPNG to the ABG is an important part of the post-referendum process, particularly in the LJS.

MTR Team observations on progress Phase 2

- (All EOPOs) JSS4D supported the first visit to Nissan Islands atoll, situated 200 km north-west of Bougainville, to deliver law and justice awareness. This resulted in identification of issues for follow up by agencies attending, including improving monitoring and performance of police officers stationed on Nissan, and the possibility of Nissan being included in a district Court circuit. Information was also provided on how to access unclaimed assets for deceased family members.
- There has been over 20 percent reduction in backlog of Local Land Court.
- A female Local Land Court Magistrate has been upskilled to standard required for hearing Provincial Land Court cases.
- JSS4D trained LM to use GPS to mark land borders, resolving 11 protracted LLC cases.
- 41 (26F) Village Court Officers (VCO) were trained as volunteer juvenile justice officers increasing access to juvenile justice services across all 3 regions of Bougainville.
- As of 2021, 23 young people had been released from Mabiri Juvenile Rehabilitation Centre and successfully reintegrated into their communities with no re-offending recorded.

EOPO B2: Women and others vulnerable to family and sexual violence (FSV) increasingly access justice, legal protection, and support services

Relevant IRIPs: 430-2106

IO B2.1: Women and other vulnerable groups increasingly access effective legal protection and assistance

IO B2.2: Increase in timely investigation and prosecution of FSV cases in the lower and national courts

IO B2.3: Women and other vulnerable people are empowered to influence the delivery of law and justice

IO B2.4: LJS agencies demonstrate improved response to Bougainville conflict drivers of FSV

JSS4D assessment of progress 2021 APR: Not assessed

JSS4D assessment of progress 2022 6 Monthly Report: Adequate progress, some risks

MTR Team observations on progress Phase 2

- FSV was addressed through a FSVAC Strategic Plan review and joint training of BPS and safe house staff resulting in increased coordination.
- Buka Seif Haus, built by JSS4D, provided services to 199 clients in 2021 (55 percent increase from 2020).
- Bougainville Women Federation's executive capacity strengthened.
- Persons Living with Disability Associations engaged by the Bougainville LJS to improve services and collaboration.
- Community leaders in Bana supported to tackle SARV in their community.

EOPB B3: Bougainville law and justice services are delivered ethically and accountably, with a focus on accessibility, quality, and service

Relevant IRIPs: 410-2101, 410-2102, 430-2103, 430-2104, 410-2105

IO B3.1: Prioritised infrastructure investments expand access to law and justice services

IO B3.2: Management, leadership and prioritised professional skills are stronger in law and justice agencies

IO B3.3: Law and justice agencies in Bougainville demonstrate accountability and transparency in the delivery of services

IO B3.4: Bougainville has enhanced internal capacity to provide legal services to the ABG

IO B3.5: Appropriate and coherent approach to the progressive transfer of law and justice related powers and functions

JSS4D assessment of progress 2021 APR: Not assessed

JSS4D assessment of progress 2022 6 Monthly Report: Good progress

MTR Team observations on progress Phase 2

- The Bougainville law and justice sector's Shaping Bougainville Justice strategy was endorsed as the framework for the drawdown of law and justice services from PNG and the sector was identified as the first ready to transfer.

- JSS4D support for the formation of the Bougainville Practical Migration Working Group and the Magisterial Services working committee on functions transfer, with subsequent consultations in Port Moresby and Bougainville leading to joint resolutions on administrative arrangements for the migration of positions, including preparation of a revised structure for the Department of Justice and Legal Service (DJLS) within the Bougainville Public Service.¹⁰⁵
- JSS4D supported engagement of an experienced legislative drafter to prepare enabling legislation for the establishment of Bougainville justice services under the SBJ project.
- JSS4D is funding DJLS with a six-month secondment for an ABG legal officer with the CLRC in Port Moresby. This will allow the ABG to build capacity in the areas of legislative review and development, with a particular focus on progressing the development of ABG enabling legislation for the Bougainville justice sector.
- JSSD supports the Department of Justice and Legal Services (DJLS) and the Office of Public Curator (OPC) for DJLS staff to travel and work alongside OPC's office in Kokopo for a week or two and then return to effectively support OPC in dealing with deceased estate on Bougainville.
- Construction work is on track for construction of the Bougainville Justice Centre (BJC).
- JSS4D opened a Correctional Services office in Buka and supported improved WASH facilities at Bekut Correctional Facility
- JSS4D supported Village Court inspections in 12 village court areas in Central and South Bougainville, with inspections were targeted at village courts where issues have previously been noted in terms of record keeping and performance.

EOPB B4: A more credible and functioning BPS effectively linked to Community Policing and other arms of the ARB law and Justice System

Relevant IRIP: 430-2105

IO B4.1 ARB police staffing increases, including the number of policewomen

IO B4.2 BPS HR systems and corporate and administrative services support the delivery of good quality, accountable policing services

IO B4.3 BPS and Community Auxiliary Police demonstrate improved policing, competencies, and response to key community and ABG concerns

IO B4.4 Supporting policy developments to identify a police service appropriate to ARB's vision

JSS4D assessment of progress 2021 APR: Not assessed

JSS4D assessment of progress 2022 6 Monthly Report: Adequate progress, some risks

¹⁰⁵ This will include salary scales, human resources information and operational budget data from the relevant national agencies. In turn this will enable the creation of new payroll files within the Alesco system and preparation of budget submissions for both the ABG and national budgets for 2023.

MTR Team observations on progress Phase 2

- Major crime investigation on Bougainville supported with Scenes of Crime training for BPS.
- BPS capacity improved through construction of Buka police cells (with cells for women, children, and people with disabilities) and establishment of a case management team.
- JSS4D provided 17 High Frequency Radio systems to BPS, establishing reliable communication capability.

Annex H Required MEL actions

For the remainder of Phase 2 JSS4D should:

- Review and update the following aspects of the MELF: major activities, key indicators, data sources, baseline, and targets for 2022 and 2023. The aim should be to simplify and reduce the number of indicators and ensure that data sources are selective and realistic.
- Update the Research and Learning Strategy and suggest revisiting the decision not to conduct any further evaluations/studies for the remainder of Phase 2.¹⁰⁶ GoPNG data for the LJS may not improve sufficiently and quickly enough for JSS4D to demonstrate outcomes for some time, necessitating an ongoing requirement for evaluation studies.
- Consider completing a small and manageable number of Stories of Significant Change and/or Significant Instances of Policy and Systems Improvement stories using accepted methodologies.
- Identify which outputs are key and which are minor, in order to be able to report key outputs in a consolidated table in progress reporting.
- Align targets between MELF and IRIPs.
- Decide on the authoritative version of the Bougainville IOs.
- Consider simplifying the IRIP template to reduce repetition (although this could be held over to the new program).
- Consider commencing an evaluability assessment ahead of/or as part of the Design for the next law and justice program

Progress reporting should be improved by including:

- A summary (in table form) of adequacy of progress against all agreed targets (not selectively) once clarified for EOPOs and IOs;
- A standalone section on risk so that senior managers can quickly identify issues that need to be monitored (DFAT M&E Standard 3.2). This could involve including an updated risk register on an annual basis;
- A reflection on the continuing relevance of the investment as per the DFAT M&E Standards (DFAT M&E Standard 3.3).
- Reporting of key outputs in a consolidated table with attendant information on quality, exposure, and geographical coverage (DFAT M&E Standard 3.5). Wherever possible use tables or infographics to provide a clearer picture of the diversity of activities undertaken. A good example is provided at Annex I.¹⁰⁷
- Quality of training could usefully be assessed 3-6 months following completion by surveying participants, including what aspects of the training are being put into practice

¹⁰⁶ We note that time is required to action recommendations from existing studies but given the MERL reliance on such studies it is important there be continuity of effort.

¹⁰⁷ Extracted from JSS4D, 2022.PowerPoint: Adviser Day Presentation MERL Session 2, 10 August 2022.

in their workplace (with examples), and any obstacles to implementing what they have learned;

- Consistent disaggregation and reporting of GEDSI information (in particular for training), preferably in a consolidated table for easy reference;
- Adequacy of progress in implementing the annual plan (DFAT M&E Standard 3.6). It needs to be determined whether for JSS4D this is against the current multi-year plan, or the year-on-year planning contained in the IRIPs. If the former, this needs to be updated for 2022 and 2023. If the latter these need to be consolidated in an easily available place.
- Data or findings in a clearer format (DFAT M&E Standard 3.12) This can be achieved by succinctly answering the KEQ (once reviewed) contained in the MERL Plan with findings emphasised, and then providing evidence to support those findings, and discussion of contributing factors. Currently data and explanations are mixed together. Tables of adequacy of progress against key targets would also greatly contribute to clarity.
- Wherever possible use tables or infographics to provide a clearer picture of the diversity of activities across provinces.
- A summary of the important recommendations or management responses proposed. Any recommendations or management responses from previous progress reports should be discussed in terms of their implementation and effectiveness. (DFAT M&E Standard 3.15) This can be provided in a simple table.

Annex I Activities in Village Courts and Land Mediation IRIPs

Activity	Hela	Morobe	SHP	Western	ARoB	Enga*
Provide training / awareness/ sensitisation	✓	✓	✓	✓	✓	✓
Conduct audits and inspections	✓	✓	✓	✓	✓	
Support Provincial Land Dispute Committee	✓	✓	✓	✓	✓	✓
Construct Village Courthouses	✓	✓	✓	✓	X	
Develop/implement revenue/deposit collection mechanism	✓	✓	X	✓	X	
Fulfil Village Court logistical needs	✓	✓	X	✓	X	
Operationalise Village Court areas	✓	✓	X	X	X	
Update revocations and appointments	✓	✓	X	X	X	
Data management	X	X	✓	X	✓	
Gazettal of operational Village Court areas	X	X	✓	X	✓	
Inspection and supervision of land mediators	X	X	X	✓	✓	
Establish Provincial Village Court Committee	✓	X	X	X	X	
Facilitate annual LJS senior management meetings	X	✓	X	X	X	
Operationalise Land Mediation Divisions	X	✓	X	X	X	
Distribute service charters	X	✓	X	X	X	
Update provincial law and justice database	X	✓	X	X	X	