Mid-term review

Justice Services and Stability for Development Program (JSS4D)

Quality and Technical Assurance Group (QTAG)

26 October 2018

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About the QTAG

The QTAG provides strategic, advisory, review, and quality assurance capability and services to support the delivery of Australia's aid program in 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 the QTAG is to improve the quality and performance of DFAT and GoPNG programs that support stability and inclusive growth in PNG.

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

The QTAG is implemented by Oxford Policy Management Australia.

List of abbreviations

ABG	Autonomous Bougainville Government
AFP	Australian Federal Police
AGD	Australian Attorney General's Department
AHC	Australian High Commission
APEC	Asia-Pacific Economic Cooperation
ARoB	Autonomous Region of Bougainville
AUSTRAC	Australian Transaction Reports and Analysis Centre
BPS	Bougainville Police Service
DFAT	Department of Foreign Affairs and Trade (GoA)
DJAG	Department of Justice and the Attorney General
EoPO	End-of-Program Outcome
FPA	Family Protection Act
FSV	Family and Sexual Violence
FSVAC	Family and Sexual Violence Action Committee
FSVU	Family and Sexual Violence Unit (RPNGC)
GESI	Gender Equity and Social Inclusion
GoA	Government of Australia (AHC and DFAT)
GoPNG	Government of Papua New Guinea
IO	Intermediate Outcome
IPO	Interim Protection Order
IPP	Institutional Partnership Program
JSS4D	Justice Services and Stability for Development Program
LJSS	Law and Justice Sector Secretariat
LJSWG	Law & Justice Sector Working Group
M&E	Monitoring and Evaluation
MEF	Monitoring and Evaluation Framework
MEL	Monitoring, Evaluation, and Learning
MERP	Monitoring, Evaluation and Research Plan
NCM	National Coordinating Mechanism
NJSS	National Judicial Staff Services
OC	Ombudsman Commission
OPP	Office of the Public Prosecutor
OPS	Office of Public Solicitor
PALJP	PNG–Australia Law and Justice Partnership
PALJP-TP	PNG–Australia Law and Justice Partnership Transition Program
PNG	Papua New Guinea
PPA	Partner Performance Assessment
QTAG	Quality and Technical Assurance Group
RPNGC	Royal PNG Constabulary
SPGM	Strategic Program Governance Meeting
ToC	Theory of Change
UNICEF	United Nations Children's Fund
VC	Village Court
VCLMS	Village Courts and Land Mediation Secretariat

JSS4D investment profile

Agreement name	Justice Services and Stability for Development Program (Papua New Guinea)		
Partner's name	Cardno Emerging Markets		
Agreement number	72021		
Agreement start date	1 January 2016	Agreement end date	31 December 2019
Total approved value AUD	AUD 90 million		
Country or program	Papua New Guinea		
Investment priority	Effective Governance Policies & Institutions		
Reporting period	1 January 2016 to 30 June 2018		
Report drafted by	QTAG		
Report approved by		Date	

Executive summary

Context

JSS4D seeks to support the PNG Law and Justice sector's mission of a just, safe, and secure society for all on the basis that this will underpin private sector, community, and human development through safer communities, strengthened legal services, addressing family and sexual violence, confronting corruption, and contributing maintaining peace and security in the Autonomous Region of Bougainville (ARoB).

JSS4D is an AUD 90 million four-year program that builds on over 20 years of Australian support to the sector since the early 1990s. It works with the national Law and Justice agencies, in six priority provinces and ARoB. JSS4D is significantly smaller than its two predecessor investments and has a narrower focus. Since 2003, Australia's support for the sector has had a significant demand-driven, programmatic approach to its design and delivery. The PNG Law and Justice sector has largely led annual planning and implementation through local mechanisms.

Uniquely for PNG, and internationally, the PNG Law and Justice sector works as a single entity. In the late 1990s, with Australian assistance, the sector came together and prepared the 2000 National Policy on Law and Justice and Plan of Action. The PNG cabinet endorsed the policy and established the National Coordinating Mechanism (NCM), which now comprises 11 sector constitutional office holders and departmental heads, as the primary sectoral leader and coordinating mechanism. The NCM and its working group have had a prominent role in directly managing Australian support since 2003.

JSS4D had a very difficult transition from the previous program for a number of legacy reasons that took time to overcome. As a result, JSS4D's effective commencement date was 2017 and not 2016. This review took place before two years had elapsed. The JSS4D team has done well in restoring sound relationships with the sector and getting the program underway and delivered.

Australia – through AusAID and DFAT – has had a close policy and implementation partnership with the sector agencies and the NCM. In 2016, certain events created some impediments to DFAT's access to the NCM; however, these have been overcome and the time is right for DFAT to seek to have a seat at the NCM table as the key sector development partner.

The JSS4D design was comprehensive. However, with hindsight there were significant 'logic gaps' between the goal, objectives, outcomes and the activities. Given the breadth of the outcome and objective statements it has proved very difficult for the defined set of activities being implemented under each outcome to collectively contribute comprehensively to the achievement of the relevant intermediate outcome. In late 2017 an attempt was made to remedy this but given the start-up difficulties it was decided to preserve the approved Theory of Change and attempt to report against it.

The GoPNG's declining contribution to the Law and Justice sector (recurrent and development budget at all levels of government) is affecting the sector's ability to provide services. This places pressure on JSS4D to provide 'recurrent' budget type inputs, which has an impact on sustainability.

The program

The overall delivery of JSS4D, which is in its second full year of program delivery, has been sound, efficient, and effective. The Contractor has delivered the program as designed and contracted, with one exception around support for the monitoring and evaluation (M&E) elements.

Engagement with stakeholders has been excellent and relationships are high quality.

Gender and family and sexual violence (FSV) activities are high quality and highly regarded contributions that have significantly advanced 20 years of Australian support..

Activity monitoring and reporting is generally at a high standard. The major weakness is the almost total absence of qualitative analysis across the program. After a high-quality Monitoring Evaluation Research Plan (MERP) was accepted in late 2016 there have been difficulties in mobilising the evaluation aspects of that plan, including the late program start, reaching agreement with DFAT on the M&E frameworks, Contractor difficulties in retaining and recruiting staff in 2017, and similarly contracting of third parties to do the work. Reporting is comprehensive and until recently largely transactional and activity based. An Evaluation Plan through to the end of JSS4D has been settled recently.

Management and operations are sound. For the partners there are some minor issues around planning and phasing of activities, clarity in budgets, the release of funds, and logistics. These can be addressed but given the highly transactional nature of JSS4D are not unexpected. Improved communications between JSS4D and intra-agency will assist in this regard.

Outcome 1: Community safety and security

There are demonstrable improvements in the performance of village courts (VCs) in the six priority provinces. Building on previous work to create new training materials and inspection procedures and review the national policy, training has been delivered (60% of officials) and follow-up inspections completed. Similarly, land mediators have received training and together with the provincial mediation committees are being supported to hear cases and resolve disputes. Provinces and districts have been enthusiastic in supporting this work. The challenge is to embed this work within government and to secure recurrent funding for VCs and land mediation to continue: a difficult task given the state of GoPNG finances. An evaluation of VCs in 2019, which will cover Australia's contribution, will be a critical informant for future support.

Provincial coordination mechanisms are working in the provinces. While law and justice service delivery is mostly a national function, provinces and districts are enthusiastic about enhancing coordination and facilitating services. Provinces have or are planning to include law and justice divisions in their structure. All six provinces and ARoB have law and justice plans. Sector agencies meet quarterly and coordinate plans with the provincial administration chairing. The Secretary of the Department of Provincial and Local Government Affairs reported that JSS4D support is best practice in the devolution of service delivery and coordination. There is evidence in Morobe and ARoB that those plans have resulted in activities being included in district plans and members of parliaments' district services plans. Joint approaches to FSV activities and the rolling out of the new juvenile justice policies are also visible. This activity should continue and could be replicated in other provinces

The 2014 juvenile justice law and policy is being rolled out but there are significant awareness and implementation issues across all agencies in rolling out the law. JSS4D has made contributions addressing human rights issues in the infrastructure space, including a mediation court room at Popondetta, juvenile facility at Popondetta, Erap Boys Town support in Lae, Mabiri juvenile facility, and Lae juvenile court and police cell blocks. Juvenile justice should remain a priority for DFAT support.

This outcome includes a modest program of community activities promoting awareness of the role of law and justice agencies and on a wide range of community safety issues: encouraging economic empowerment for women and youths; the participation of women in decision-making, and enhancing gender equality in communities. There are notable success in all provinces. The challenge for the program is to find local 'homes' and support for these activities so that they are replicable and sustainable rather than donor partner islands of excellence.

JSS4D's way of working and relationships in the provinces are valued. A wide range of partners are engaged in activities, while new approaches are being tried and seem to be working.

Looking forward, JSS4D and any follow-up program should be looking to reduce program support for what should be recurrent funded activities in VCs and land mediation, increase the number of provinces supported to establish law and justice coordination mechanisms, increase support for juvenile justice, and maintain and replicate in other provinces the program of civil society and church engagement.

Outcome 2: FSV

A very active, broad-based, and well-coordinated network of actors addressing FSV is emerging in PNG, with many donors and partners, including civil society, churches, notable individuals, Royal PNG Constabulary (RPNGC) (which has 24 family and sexual violence units (FSVUs)), the AFP, the Office of the Public Prosecutor (OPP), and the Public Solicitor's Office (OPS).

JSS4D is a respected partner in this coalition, valued for its targeted financial support as well as the technical advice and engagement of JSS4D staff and the workshops and training it has delivered to multiple stakeholders. It is demonstrating considerable success in supporting the law and justice sector and communities to address FSV.

Nevertheless, police and other services are too often stretched and under-resourced, while successful prosecutions remain all too rare. This risks deterring survivors from pursuing cases and conveying a sense of impunity to perpetrators of serious crimes. Understanding and overcoming the last remaining barriers to effective law and justice responses to FSV should be a key focus for future programming.

The lack of systematic data, targeted research, and policy evidence around FSV is a significant issue. Further work is needed to understand the key drivers of success and resistance in the system and adapt the programming accordingly. This analysis could draw on positive deviance outside the JSS4D program, including both general cultural analysis and other relevant programs such as Pacific Women Shaping Pacific Development.

A future program should consider increasing support for this outcome, particularly in terms of working with the police Sexual Offences Squad, AFP, the OPP, and the courts to significantly improve the prosecution of FSV cases arising out of offences reported to the

Boroko Police Station. Justice for survivors and the deterrence factor will be enhanced by such an activity.

Outcome 3: Law and justice services

Building on over 20 years of prior assistance, effective law and justice services represent a large financial component of the JSS4D program. The program's efforts are primarily focused around organisational reform (for three of the sector's agencies) and training and capacity development. These efforts are highly valued but there is room for improvement, including in such aspects as ensuring that organisational reform processes extend beyond an annualised planning process and that training and capacity-building activities are appropriately targeted and relevant. Reporting, tracking, and publishing of agency and sector data is deficient and this limits the ability to collect and analyse key data to inform future planning and assess effectiveness.

Many of the activities under Outcome 3 should be carried out under a recurrent budget funded by GoPNG, including, as a priority, the focus area of prisoner management. There is significant momentum around the focal area of juvenile justice, with progress already evident in the establishment of a Juvenile Justice Directorate and improved record-keeping within the occurrence book. There is an opportunity for JSS4D to capitalise on this momentum and demonstrate significant impact along the juvenile justice track. Furthermore, in order to provide a holistic programmatic response to juvenile justice, it would be beneficial to incorporate child protection as part of future programming.

Outcome 4: Anti-corruption

JSS4D has had a limited budget with which to pursue anti-corruption initiatives, with this outcome representing just 5% of the Annual Plan budget and 3% overall. Within these constraints, there has been significant emphasis on service and budget charters that aim to strengthen service delivery, improve accountability, and reduce opportunities for corruption. There are limitations to the effectiveness of this approach in the current PNG context, where service delivery or standards are at a low base and failures in standards are the norm rather than the exception.

JSS4D funding support to the Ombudsman Commission (OC) has enabled critical oversight of RPNGC investigations into high-profile or serious complaints against its members. This support is highly valued and should be continued. Likewise, training and financial support to enhance criminal investigations of serious criminal offences and corruption-related offences has been highly valued and the quality of investigations has reportedly improved.

With additional resourcing, there is scope to substantially expand the anti-corruption component of the program, while scaling back the development and implementation of new service charters. This will enable the program to more effectively reach its End-of-Program Outcome (EoPO).

Outcome 5: ARoB

Given the distinct status and circumstances of ARoB, JSS4D implements a separate component through a project team based in Buka, ARoB. This component has its own results framework, based around the same four EoPO areas as the national program, each with several expected IOs.

Overall, JSS4D activities in ARoB are well delivered and are valued by local stakeholders. As in most other aspects of JSS4D, however, there is little evidence of effectiveness due to the failure to implement evaluations of the IOs.

Major needs remain in terms of police reform and scale-up of law and justice provision to central and southern ARoB. Moreover, further support is needed to prepare individual law and justice agencies in relation to the scheduled referendum, including preparation to respond to short-term security concerns.

Mainstreaming gender

QTAG found a high level of awareness of the importance of gender equity and particularly of the empowerment of women within law and justice services across all JSS4D stakeholders interviewed, reflecting the importance JSS4D has placed on raising awareness of and integrating gender concerns.

JSS4D is applying a gendered approach through various activities. A gendered approach must ensure that the different needs and experiences of men, women, girls, and boys are taken into consideration in implementing the program. Maintaining women's empowerment is central to the FSV work, in line with international practice. Within this analysis there could also be an intersectional approach.

While some of these factors are inherently considered by localised approaches, the analysis of differences is not explicit and thus opportunities are lost to understand what works for different communities and different people within communities. There is currently not enough consideration of gender as relational and not just about addressing the needs of women. JSS4D is of the view that initially it was important to focus on crimes of violence against women. Experience in the Pacific suggests that an early focus on a deeper analysis of gender as a relational concept and localised approaches could have been distracting.

We recommend that various gender-related research activities are undertaken by JSS4D and others.

While relatively strong in terms of its initial gender focus, JSS4D demonstrates limited attention to broader social inclusion, particularly for those with different forms of mental and physical disability.

Monitoring, evaluation, and learning (MEL)

The MEL component of the program has faced significant difficulties. The nature of the Theory of Change (ToC) design has had substantial flow-on effects across the program. The EoPOs and IOs are widely considered to be aspirational and high level and this has caused difficulties for the program in terms of demonstrating impact and achievement regarding IOs and EoPOs.

In 2017, the Contractor faced some difficulties in recruiting and retaining M&E staff and contractors and this substantially impacted on the program's ability to mobilise the qualitative aspects of M&E. Disagreements between the Contractor and DFAT over the M&E framework took months to resolve. In addition, JSS4D staff have an onerous reporting cycle, which impacts on the ability of Contractor staff to focus on program implementation.

The gaps in the M&E component impacted the Contractor's ability to take an adaptive management approach and allow for a continued learning process.

DFAT and the Contractor have adopted a number of strategies in an attempt to address the M&E concerns and evaluation activities have now been agreed. This suite of qualitative research and evaluations will inform the achievement of the IOs and to identify JSS4D contributions and lessons. This qualitative research will inform the next iteration of JSS4D, should that be the course that DFAT chooses to adopt.

Next phase

There are solid elements within JSS4D that provide a sound foundation for a future tighter development program based upon its activities, achievements, and lessons.

The sector leaders support a tighter focus and a more in-depth approach. QTAG will provide options to DFAT in a separate paper on the available pathways.

The coherence of the sector and its experience of working with the GoA (and with GoPNG) as a united sector over nearly 20 years for planning and implementation is a positive factor.

QTAG believes a future program could be developed around an access-to-justice theme:

- survivors of FSV being able to access referral pathways for medical treatment, seeking the protection of the courts, obtaining redress for violence including the conviction of offenders, restorative justice, and mediation under the Family Protection Act (FPA);
- juveniles, some convicted of the most heinous crimes, accessing their rights under PNG and international law;
- increasing access to VCs and land mediation, funded by government, that operates fairly;
- provinces and district administrations facilitating better access to the services of the formal justice agencies by actively coordinating services locally;
- enhanced access to law and justice services in ARoB contributing to peace and security;
- formal justice agencies such as the Correctional Services, OPS, and Magisterial Services supported by implementing their transformation plans to enhance access to justice for vulnerable and marginalised citizens;
- increasing access to justice for women, children, and persons with disabilities;
- enhancing internal law and justice agencies' anti-fraud and corruption initiatives and increasing the public trust in those agencies;
- increasing access to information, laws, and rights;
- reducing physical barriers to accessing facilities and services; and
- enhancing accountability in the sector by improving timely sector and agency reporting on key outcomes and strengthening sector coordination.

Consolidated recommendations

Our key recommendations below are classified using the following definitions:

- **IMMEDIATE** *– JSS4D 2018 to end 2019 program activity or management implementation;*
- **TRANSITIONAL** *– JSS4D lead preparation for the next phase; and*
- **FUTURE** *– Possible direction for DFAT to consider in the next phase.*

1 DFAT engages with the chair of NCM and the Director of the Law and Justice Sector Secretariat (LJSS) to seek to increase the opportunities for high-level law and justice sector policy dialogue and reviews of Australian support for the sector through regular participation at NCM meetings. [**IMMEDIATE**]

2 JSS4D support for LJSS be increased specifically around analysis for NCM on implementing GoPNG policy priorities and increasing the effectiveness of sector and agency reporting on key outcomes. [**TRANSITIONAL**]

3 DFAT's future support for VCs focuses on increasing sustainability by:

a. capturing, sharing, and replicating the lessons from JSS4D activities;

b. taking into account the recommendations of the planned 2019 JSS4D VC evaluation; and

c. working with Department of Justice and the Attorney General (DJAG), the Village Courts and Land Mediation Secretariat (VCLMS), and sub-national governments to increase recurrent budget funding for the delivery of VC training and inspections and reducing the dependence on DFAT funding for service delivery at the sub-national level. [**TRANSITIONAL**]

4 DFAT's future support for land mediation focuses on increasing sustainability by:

a. capturing, sharing and replicating the lessons from JSS4D activities; and

b. working with DJAG, VCLMS, and sub-national governments to increase recurrent budget funding for the delivery of land mediation training and services and reducing the dependence on DFAT funding for service delivery at the sub-national level. [**FUTURE**]

5 Future support for juvenile justice, in close coordination with the United Nations Children's Fund (UNICEF) program, to address awareness, rollout of diversion, alternatives to imprisonment, and other compliance processes. Interventions and support, including a limited infrastructure program, to focus where there is a reliable church or civil society partner and sector support. [**FUTURE**]

6 JSS4D prepares a proposal for endorsement by the Strategic Program Governance Meeting (SPGM) to recruit up to half a dozen local advisers to be trained and mentored by the current provincial advisers for at least six months, with a view to using them to expand JSS4D services to other provinces. [**IMMEDIATE**]

7 JSS4D and/or AHC, in liaison with other FSV actors and drawing on international best practice and expertise in researching violence, should implement, with partners, a small set of tightly defined research studies to build evidence on:

a.   what works in addressing FSV in the PNG context and the roles that law and justice institutions play;

b.   how survivors felt about the services they received and satisfaction with the justice system; and

c.   key intervention points in the justice system on crime types, demographics of survivors, volume, and responsiveness of the system. [**TRANSITIONAL**]

8   JSS4D, in association with the AFP, applies additional advisory support, training and awareness to the RPNGC Sexual Offences Squad, OPP, Magisterial Services, and the National Court for investigation and prosecution of FSV cases arising through the Boroko Police Station. [**TRANSITIONAL**]

9   A future JSS4D program develops, with the NCM, more rigorous criteria for the provision of Australian support to the area of legal services based around access to justice and service delivery. Key features of such support should include a rigorous analysis of sustainability, especially:

a.   the host agency's ability to staff and sustain the initiative;

b.   the recurrent budget contribution the agency can make; and

c.   the contribution it makes to access to justice and service delivery. [**FUTURE**]

10   Based upon an evaluation of the effectiveness of JSS4D-funded training, select professional development programs to continue across the sector that are appropriately targeted to each individual's needs and capacity. [**TRANSITIONAL**]

11   A future JSS4D program supports select policy development, improved regular reporting by agencies and the sector (including sector agency annual reports), and then analysis by the LJSS and the agencies of performance, based on key data sources. [**FUTURE**]

12   Incorporation by DFAT of child protection issues in the design of a future iteration of the JSS4D program by DFAT will provide a holistic programmatic response to juvenile justice. [**FUTURE**]

13   The program should suspend the development of any new service and budget charters and scale back the implementation of existing service and budget charters. [**IMMEDIATE**]

14   JSS4D should develop a policy paper for discussion between the NCM and DFAT on possible future programming for an anti-corruption component of the next iteration of JSS4D. The paper should cover actions to implement the recommendations of law and justice agency integrity reviews, measures to enhance citizen trust that corruption will be addressed through the criminal justice system, enhancing and building upon existing anti-fraud and anti-corruption investigative and prosecutorial training, the recommendations of the Financial Actions Task Force, and, to the extent possible, build upon and complement the current joint work and support provided through the Australian Transaction Reports and Analysis Centre (AUSTRAC), the Australian Department of Home Affairs, the Bank of PNG, and DJAG. [**TRANSITIONAL**]

15   Future support for law and justice in ARoB should continue to be based upon the ARoB police, Corrective Services, and Justice Development Plan and the ARoB Strategic Development Plan 2018–2022, as approved by the Bougainville Executive Council in February 2018. [**FUTURE**]

16   Future support should focus on helping ARoB address long-term resourcing for policing and broader law and justice services within the context of evolving governance arrangements under the constitution and subject to the outcomes of the referendum. [**TRANSITIONAL**]

17   Given the urgent need for a correctional facility in ARoB, GoPNG through NCM, the Autonomous Bougainville Government (ABG), and DFAT should engage on the potential for a future program to support ARoB's future plans for prisoner management. [**TRANSITIONAL**]

18 JSS4D to adopt, through the 2019 annual planning process, strategy testing with partners, or a similar approach, for each outcome, so as to update and clarify strategies and assumptions and reflect on implementation to date. Also, to further develop each of the outcomes and refine and adjust programming and ways of working in the 2019 Annual Plan. [**IMMEDIATE**]

19 JSS4D to conduct a deeper analysis of how gender, disabilities, and other aspects of identity intersect with shifting patterns of crimes (including sorcery) as well as with experiences of seeking justice, working for justice, or being subject to justice (whether formal or informal). This should take into account:

    a.   the perspectives of both men and women;

    b.   people living with different forms of disability; and

    c.   those from different communities. [**IMMEDIATE**]

20 Future FSV and Gender Equity and Social Inclusion (GESI) support for the sector should focus on:

    a.   activities that specifically address the gendered roots of crime and gendered barriers to achieving justice and well as other aspects relating to social inclusion;

    b.   activities working with men to address gendered issues within the law and justice sector should have greater emphasis, including work with men within law and justice agencies and work with perpetrators around masculinities, particularly with juveniles, in order to break cycles of FSV; and

    c.   employing a thematic approach managed as a cross-institution/agency sub-project, with support from other Australian-supported activities (AFP, OPP/Australian Attorney General's Department (AGD)). [**FUTURE**]

21 The Contractor urgently informs DFAT on its proposal to resource MEL to fulfil its contractual functions, in particular the completion of a program of work to report on its achievements of the program's outcomes and Australia's contribution. [**FUTURE**]

22 DFAT and the Contractor:

    a.   retain the 2018 and 2019 annual report;

    b.   reintroduce quarterly reporting in lieu of the six-monthly reports, with a focus on outcome analysis rather than activity reporting; and

    c.   use the monthly situation analysis reports (10 pages maximum) for activity reporting including a single page annex of key upcoming events. [**IMMEDIATE**]

23 The Contractor ensures that the consolidation of adviser reports upwards into the M&E reporting process is the responsibility of the deputy team leaders as they have the inherent knowledge and understanding of the broader picture from which they can draw the 'story'. [**IMMEDIATE**]

24 The Contractor prioritises implementation of the now-agreed suite of qualitative research and evaluations that are achievable in the remaining timeframe, to inform the achievement of the IOs and to identify JSS4D contributions and lessons. This qualitative research should be structured in such a manner as to inform the next iteration of JSS4D. [**IMMEDIATE**]

25 DFAT ensures that the EoPOs and IOs in any future program are achievable and measurable to make it possible for the program to draw a line from the various activities under each outcome area and demonstrate impact and achievement toward IOs and EoPOs. [**FUTURE**]

26 The Contractor ensures that adequate resourcing for M&E is available, in the form of surge support from head office and subcontracting arrangements with private suppliers, including joint arrangements with PNG-based and international companies. If fee-sharing is an issue in subcontracting, this should be discussed with DFAT. [**FUTURE**]

27 Any future iterations of the MERP should ensure that the set of key evaluation questions is connected to a pipeline of evaluations, incorporating both program-level and performance questions. [**FUTURE**]

28 DFAT should immediately commence design work for a next JSS4D program phase based around access to justice forming a more focused underlying ToC than JSS4D, using the current suite of activities and outcomes as the core structure. [**IMMEDIATE**]

29 In 2019, JSS4D:

   a. Supports LJSS to complete an economic analysis of financial support to the law and justice sector from all sources over the last 15 years, and likely requirements for the next five years. Such an analysis can provide background for the next phase and policy dialogue, and increase resource allocation effectiveness.

   b. Supports LJSS to develop an implementation plan for the Medium-Term Development Strategy 2018–2023 and advises DFAT on those aspects which are appropriate for Australian support. [**TRANSITIONAL**]

Purpose

QTAG was commissioned by DFAT to undertake a review of the AUD90 million JSS4D program. The purpose of the evaluation is to provide all stakeholders with a clear assessment of the progress and success of the JSS4D program, with specific regard to the following:

- **Accountability** – to provide stakeholders with an assessment of the effectiveness and efficiency of JSS4D to date. Is it on track to meet the IOs, EoPOs, and targets?
- **Learning and program improvement** – to provide stakeholders with insight into the current relevance of the JSS4D ToC, and possible further development/adjustment of JSS4D to best suit the PNG–Australia Partnership.
- **Next phase** – to provide DFAT with analysis, options, and a recommendation on a possible next phase of the program.

The *primary* audiences for the evaluation are:

- **AHC**: led by Senior Responsible Officer and the Counsellor for Justice;
- **GoPNG**: led by the Chair of the NCM, the sector constitutional office holders, departmental heads, the Department of National Planning and Monitoring, the LJSS, and SPGM;
- **ABG**: led by the Secretary for Law and Justice as chair of the ARoB Law and Justice Sector;
- **DFAT Canberra;**
- The Implementation Team of the **Managing Contractor**, Cardno Emerging Markets;
- **Relevant GoA entities** (PNG–Australia Policing Partnership and Institutional Partnership Program (IPP)); and
- Significant bilateral donors operating in the law and justice sector.

The *secondary* audiences for the report include:

- other development partners and actors such as the World Bank, UN Women, Department of Provincial and Local Government Affairs, and the Family and Sexual Violence Action Committee (FSVAC);
- civil society;
- churches; and
- others with an interest in improving law and justice outcomes in PNG.

Review methodology

Key review questions

Before the fieldwork, the team developed an Evaluation Plan in accordance with DFAT standards (**Annex C**).

DFAT was involved extensively in formulating the review questions, Annexure 1 to the Evaluation Plan. Annexure 3 to the Evaluation Plan contains a table setting out the data collection methods and sources used to answer them. The questions formed the basis for developing the data collection tools used to guide the key informant interviews and focus group discussions and were directed to each type of participant as deemed relevant by the review team.

The team applied a strengths-based approach, looking for what has worked best, for whom. They looked for evidence of what is working, what is not working, in what respects, to what extent, in what contexts, and how. If it has not worked so far, we considered 'why not?'

Data collection and analysis

The review collected data in four primary ways:

- Conducting an international literature review specifically on community justice, good practices to prevent and respond to violence against women, and approaches to anti-fraud and corruption activities, as well as current practice on designing and implementing law and justice practice.
- A set of semi-structured or structured interviews tailored to various key informant groups and to individual or group interview settings. These were held as roundtable discussions, group meetings, or one-on-one interviews (**Annex C** provides a list of interviewees).
- Reviewing program-specific documents, including program design documents, progress reports, law and justice sector agency documents, and previously conducted evaluations (**Annex B** gives our bibliography).
- Visits to Lae, Buka, Popondetta, and Port Moresby to meet stakeholders and view facilities.

The literature review and review of key program-specific documentation provided the team with a comprehensive background upon which to begin its consultations and key stakeholder interviews.

The review questions formed the basis for interviews with stakeholders, which took place in Port Moresby, Lae, Buka, and Popondetta from 31 July to 15 August 2018, in Canberra on 16 and 17 August 2018, and a final round in Port Moresby from 20 to 22 August 2018.

During the stakeholder interview process, the team shared preliminary findings with DFAT. At the end of the fieldwork in PNG, the team briefed the law and justice sector

leadership through the NCM, DFAT, and the Contractor on key findings and draft recommendations. A draft Aide Memoire was developed and presented.

In summary, the review tapped into multiple sources of information and used all relevant information to triangulate fieldwork findings whenever possible. The report notes throughout the strength of the evidence supporting the conclusions and recommendations, as well as where the strength is derived from triangulation across sources.

Limitations

The relatively short, intense timeline of the review provided some limitations and the assessment of effectiveness should be viewed in light of these. They include the following:

- Analysis was based on evidence from documentation, interviews, and fieldwork. Where appropriate and reliable, quantitative data provided by program implementers was used to triangulate fieldwork findings. However, considering the limited availability of quantitative data and the review methodology, which focused on key informant interviews and focus group discussions, the analysis is primarily qualitative in nature.
- One of the limitations of the JSS4D program is the lack of qualitative data and therefore evidence about the effectiveness of selected interventions in terms of achieving IOs is very limited. A set of evaluations is to be launched shortly.
- Similarly, the quantitative data available were not sufficient to analyse the effectiveness of interventions. 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. Data were sex disaggregated, however, and gender reporting is to a high standard.
- There was little opportunity to obtain primary data from service users and beneficiaries.
- The law and justice sector reporting and individual agency reporting are out of date and in some instances from unreliable foundations, meaning reliable data and analysis are not available.

Team

The evaluation team is comprised of John Mooney (Team Leader), Ruby Zarriga (PNG Justice Expert), Krista Lee-Jones (International Justice Specialist), and Michelle Spearing (Gender and FSV Policy Specialist).

Outline of the JSS4D program

JSS4D is an AUD90 million four-year, GoA funded and GoPNG partnered program to support the law and justice sector in PNG. The program's investment design was developed following an extensive period of consultation commencing in mid-2012 and ultimately approved by GoPNG on 27 February 2015. The program builds on Australian support to the sector under the PNG–Australia Law and Justice Partnership (PALJP) from 2009 to 2014, as well as its Transition Program (PALJP-TP) from 2014 to 2015.

The NCM, comprising all 11 sector constitutional office holders and departmental heads, has been operating for 16 years as the primary sectoral leader and coordinating mechanism. The NCM operates largely without donor funding. The sector leaders and ministers come together as and when required to endorse policy submissions. The NCM leads JSS4D's implementation through a demand-driven annual planning process.

The JSS4D program is governed through the SPGM, which is co-chaired by representatives of GoPNG and GoA. The SPGM consists of representatives from law and justice sector agencies and is responsible for the effective direction, resource allocation, implementation, oversight, and evaluation of the program, subject to NCM endorsement.

The JSS4D ToC (see Figure 1) defines the structure of the program. The goal is closely aligned with that of the PNG Law and Justice Sector Strategic Framework.

Figure 1:   JSS4D ToC

The design is based around working in the Port Moresby-based national agencies and six priority provinces, especially for IOs 1 and 2: Hela, Southern Highlands, Gulf, Western, Morobe, and Northern (Oro).

Specific programming is dedicated to ARoB under a theme stating: *peace and development in Bougainville is underpinned by improved delivery of policing and justice services*. This is consistent with the Joint Resolutions (2013) endorsed by the Joint Supervisory Body on the priority need to strengthen law and order to give effect to the

Bougainville Peace Agreement. The ToC for the Bougainville investment at the outcome level is:

> More effective and accessible policing and justice services, including local-level dispute resolution, will help to foster trust and confidence in the ABG and help re-build social capital, which is a necessary pre-condition for peace and development.

The program is working in a complex political, economic, social, and institutional environment. Government funding is severely constrained, with a significant reduction in corporate and resource tax revenues and the financing demands for Asia-Pacific Economic Cooperation (APEC). Counterpart agencies and provinces have extremely limited recurrent budget for service delivery. Natural disasters and serious unrest in the Highlands have also impacted program implementation.

Law and order are currently the subject of high-level political conversations in PNG. From its public statements, the GoPNG's commitment to enhancing law and justice seems clear.

The *2000 National Law and Justice Policy and Plan of Action* remains relevant, as demonstrated at the National Law and Order Summit held in Lae, Morobe in August 2018. Further, the *2007 White Paper on Law and Justice in Papua New Guinea* has been implemented to a significant extent, demonstrating an ongoing commitment by the sector.

The JSS4D program budget is approximately PGK 30 million per annum (Table 1) with two full years of implementation.

Table 1: JSS4D resources by outcome

Outcome categories	2016 actual PGK (Mil.)	2017 actual PGK (Mil.)	2017 % allocation	2018 budget PGK (Mil.)	2018 % allocation
Community safety	1.349	6.374	31%	7.544	25%
FSV	0.15	2.518	12%	3.676	12%
Law and justice services	0.566	6.952	34%	8.345	28%
Anti-corruption	0	0.745	4%	1.12	4%
Sub-total	**2.065**	**16.589**		**20.685**	
ARoB	2.061	3.356	16%	6.537	22%
M&E	0	0.554	3%	3.000	10%
TOTAL	**4.126**	**20.499**	100%	**30.223**	100%
Manus Police HQ	3.795	9.339			
TOTAL	**7.921**	**29.838**		**30.223**	

JSS4D had a difficult and delayed transition from the previous PALJP (2009 to June 2014) and subsequent PALJP-TP (July 2014 to December 2015) due to delayed execution of the *Joint Subsidiary Arrangement between the Government of Australia and the Government of Papua New Guinea relating to the JSS4D Program* (the Subsidiary Arrangement) in 2016.

That said, JSS4D and DFAT have rebuilt sound relationships with the sector after this difficult start.

Analysis of program outcomes

Generic findings related to the key outcomes

Before discussing the five outcome programs it is appropriate that QTAG addresses several challenges that have affected the implementation of the whole JSS4D program of activities. While some of these are outside JSS4D's immediate control (i.e. the original design or PNG's current fiscal issues), there were and are opportunities for JSS4D to be adaptive or carefully seek to intervene and influence change, albeit not directly but rather through giving advice to individual agencies, DFAT, SPGM, and NCM:

a. The EoPOs and IOs under the JSS4D design are very ambitious. As a result, there is a design gap between JSS4D activities and the IOs. It will be virtually impossible for JSS4D to establish linkages from its activities to the outcomes. This is a design fault from the beginning of JSS4D. The AHC and Contractor need to work to close this gap.

b. Overall, JSS4D is a highly transactional program delivering a wide range of activities under the five outcome areas. This has resulted in its resources being spread too thinly, a point made frequently by agency leaders to the QTAG team.

c. The sustainability of some JSS4D-supported activities is doubtful. Sustainability needs a higher focus in the final year of JSS4D and in any future program.

d. The JSS4D design encourages a highly transactional implementation approach through an annualised planning process. This annual planning process needs to be refined to give greater continuity to agencies to be able to implement their projects.

e. GoPNG's declining financial contribution to the law and justice sector (in terms of recurrent and development budget at all levels of government) is affecting the sector's ability to provide services. There is strong demand from sector leaders for GoPNG to demonstrate its commitment financially to the sector. We recognise the shift in focus post-APEC may improve the situation. However, some economic forecasts are pessimistic for several years to come. The sector works well together to submit the development budget to government. There are examples where individual agencies have succeeded in obtaining increased staffing, despite the moratorium on employment. However, these are the exception rather than the rule.

f. JSS4D has been funding what have traditionally been regarded as recurrent budget activities, such as training. It is accepted that skills upgrading, training, and professional development are common development partner activities. However, given the scale and size of this contribution (in 2017, 36% of JSS4D-funded training), it is not feasible for this to be extended nationally. DFAT should not be funding what could generically be called routine training. For example, the VC officers' training should now be funded by the provinces. The Australian contribution should generally bring additional and supplementary support to the sector, rather than funding an ongoing suite of recurrent budget activities.

g. The NCM and DFAT should increase the regularity of higher-level policy dialogue on sector issues at the NCM table, supported by LJSS and JSS4D respectively. Apart

from traditional face-to-face diplomatic engagement at senior levels, GoPNG should use the NCM meetings as a forum for regular conversations among the sector leaders on sector issues (which they have done recently in regard to prison reform). Through participation at the NCM, DFAT and GoPNG could have high-level policy dialogue on significant law and justice issues, the direction of Australian development assistance to PNG generally, the needs of the sector generally, and the progress of JSS4D.

h. The LJSS requires additional resources for it to become more than just a secretariat. Incorporating it into the DJAG as an 'office' in public sector administrative terms, as is set out in the 2007 White Paper, is a priority in the view of all the NCM members QTAG discussed it with and QTAG itself. This conclusion is outside the scope of the review to the extent that this is a GoPNG responsibility.

i. JSS4D should consider increasing support for the Secretariat. Specific activities could include joint production of policy and analysis papers in support of implementing the Lae Summit recommendations and the Medium-Term Development Strategy 2018–2023 for NCM/GoPNG and DFAT to discuss, undertaking select sector reporting on key indicators where reliable information sources exist and where the report can be produced in a timely manner, and publishing sector achievements and successes.

j. Agency reporting needs strengthening to demonstrate to GoPNG the extent of law and justice issues, what is being achieved, and current and future resourcing needs.

RECOMMENDATIONS

1 DFAT engages with the chair of NCM and the Director of LJSS to seek to increase the opportunities for high-level law and justice sector policy dialogue and reviews of Australian support for the sector through regular participation at NCM meetings.

2 JSS4D support for LJSS be increased specifically around analysis for the NCM on implementing GoPNG policy priorities and increasing the effectiveness of sector and agency reporting on key outcomes.

Outcome 1: Community safety and security

JSS4D measures progress on this outcome against four IOs under one EoPO: **Local-level dispute resolution and conflict mediation mechanisms in target areas are more effective, locally legitimate, and available.**

Support is provided through a range of modalities, including technical assistance, targeted infrastructure, and capacity building to ensure that local-level dispute resolution and conflict mediation mechanisms in the six priority provinces are more effective, locally legitimate, and available. Support is tailored to the needs of each province, against national standards, to ensure initiatives are locally viable. Specific activities at this level include support for VCs, land mediation, local sector coordination, FSV, juvenile justice, alcohol and drug abuse, and prisoner management and rehabilitation. The program supports province-specific activities including work to combat intertribal fighting in Hela and Southern Highlands provinces, as well as sorcery-related violence in the later.

IO 1.1 VCs and land mediators make progress in delivering equitable, effective services in targeted areas

VCs and land mediation are national functions delivered locally. The 1,600 courts with 17,000 officers, and the provincially based Land Mediation Services, with 1,450 officers, are the only conflict resolution services able to respond in many communities. They play a significant role in maintaining peace and good order. The formal justice system is often remote and not accessible.

JSS4D supported a review of the *National Village Courts Policy*, the development of training materials, the delivery of training in the six priority provinces and ARoB, the inspection of the performance of the VCs, and the coordination between the national VC Secretariat, provinces, and districts. Around 60% of court officers have been trained in these provinces.

VCs have received extensive assistance from Australia for over 20 years, primarily at the VCLMS in Port Moresby. PALJP-TP started an approach more towards the delivery of services and revised and published all VC training materials. JSS4D took an active role in six provinces and the ARoB in supporting the delivery of training and the completion of inspections. The funding of training of officers and the inspections of the courts are valued, and there is some evidence of improvements in service delivery, but this approach is not sustainable. The program has recognised this and started to move away from funding direct training to support a quality assurance approach using the evaluations from the inspections to target training, but it needs to go further. What has been sustainable is JSS4D support for training manuals and certified trainers, as well as support systems at the VCs and Land Mediation Secretariat. These can be accessed and used by all provinces.

In future, JSS4D should be encouraging DJAG to modernise its oversight of VCs with the provinces and districts taking a lead role, including funding of training and inspections. Some provinces are doing this from their own resources. Due to the GoPNG fiscal situation, sub-national governments do not have the law and justice function grants that previously funded the courts and land mediation.

JSS4D is proposing an independent evaluation of VCs in 2019, including of DFAT's contribution. This is timely and will be a significant contributor to the design of the next phase of JSS4D. The review should consider the role of the courts but also the effectiveness and sustainability of the Australian contribution. Issues such as the payment for access, the participation of females as officials, and the enforcement of orders must also be considered.

The JSS4D training and inspection reports provide a framework for targeted follow-up training on known weaknesses found in all six provinces. Reporting from VCs is an issue and has been for 20 years. There is evidence in ARoB that JSS4D has been successful in increasing reporting. However, it needs to be questioned if JSS4D should be supporting the building of reporting systems when there is only 3% compliance. Perhaps the real issue or need is to redefine the why, what, and the how of reporting and to establish if one option may be for it to be consolidated at the district/provincial level.

Maintaining peace at the community level through the effective resolution of land disputes is very important. Based on reports of individual activities, it seems that the training of land mediators and support for provincial land dispute committees and land

court circuits has promoted improved access to justice, resolved cases, reduced local tensions, and reduced the numbers of land matters referred to higher courts.

The recent placement by DJAG of a provincial liaison officer in 10 provinces is a good concept and should be supported by JSS4D, initially by providing training but also within the enhanced local coordination outcome below. The Secretary for Justice would like provinces to introduce law and justice district coordinators to work with district development authorities.

IO 1.2 Targeted administrations and law and justice agencies increasingly coordinate

Improving local law and justice coordinating mechanisms, including provincial and district law and justice working group arrangements integrated into provincial structures, is working. While many law and justice functions are national functions, provinces are extremely interested in law and order issues.

The coordination mechanisms in the six provinces and ARoB differ slightly. They are highly valued by the provinces and the sector agencies as a coordination mechanism. Some of the provinces are working on including law and justice divisions in their structure, as opposed to a branch or a single liaison officer. All six provinces and ARoB have law and justice plans. There is evidence in Morobe and ARoB that those plans have resulted in activities being included in district plans and members of parliaments' district services plans. Joint approaches to FSV activities and the rolling out of the new juvenile justice policies are also visible.

Provinces have demonstrated their commitment with the provision of staff and funding to the implementation of national functions.

The Department of Provincial and Local Government Affairs had strong praise for JSS4D's support of the government service delivery policies generally. One aspect of this is JSS4D's support of law and justice agencies' participation in the provincial coordination mechanism committees, where whole-of-province issues are meant to be discussed. These committees, managed and funded by provinces, are very expensive to hold and JSS4D reports suggest little progress in this vein. JSS4D has no direct control over them. Expanding coordination to the district through the provincial administrations is sustainable. Another opportunity is linking up the DFAT Governance Partnership's Decentralisation Partnership where programs are collocated.

IO 1.3 Local community initiatives are playing an effective role in promoting safer and more secure communities

There is a new 2014 juvenile justice law and policy being rolled out but there are significant awareness and implementation issues across all agencies in regard to the law. JSS4D has made contributions addressing human rights issues in the infrastructure space, including a mediation court room at Popondetta, juvenile facility at Popondetta, Erap Boys Town support in Lae, Mabiri juvenile facility, and Lae juvenile justice court and police cell blocks.

Serious human rights issues remain, however, with very young juveniles in main prison compounds. There is minimal government support, and so the approach largely relies on dedicated individuals in some agencies, donors (JSS4D, UNICEF, and the AFP), community, church, and, in some cases, provinces. UNICEF has taken the policy lead. It

is in the first year of a five-year program that is coordinated with JSS4D nationally. UNICEF is implementing its program in three locations.

In the provinces, JSS4D is supporting a range of activities, including FSV awareness raising, developing FSV action plans, coordinating partners, training in gender equity, investigation interviewing, and male advocacy. The Southern Highlands administration supported the development of a Peace Management Strategy, implemented the Sorcery National Action Plan, and held women's leadership group meetings. In Hela, a Peace Management Strategy was developed.

As with other aspects of JSS4D, there has not been an evaluation of effectiveness. The Youth Forum in May 2018 attracted significant interest around the country following the live broadcast of proceedings. It sparked interest in youth councils across PNG. The question then is: who is responsible for supporting them and looking to replicate the activities in other provinces? This is not a JSS4D responsibility. The start-your-own-business program in Oro province shows there is some potential for at-risk youths to be gainfully employed.

With all these activities the underlying issue is sustainability. The risk is that they are adviser/JSS4D funding dependent. The program's approach of involving the provincial administration and sector agencies does help to mitigate such risks, however.

The recent earthquake and violence in the Southern Highlands and Hela have disrupted some JSS4D activities. Changes in provincial leadership also almost always disrupt the implementation of activities and relationships, as has happened in Morobe and Northern provinces. However, JSS4D has shown resilience in being able to proceed.

IO 1.4 Women and men are increasingly aware of the PNG justice system and their legal rights and responsibilities

This part of the program undertakes a modest suite of community activities to promote awareness on a wide range of community safety issues, including awareness on the roles and responsibilities of agencies, economic empowerment, the participation of women in decision making, and enhancing gender equality.

A network of 28 women advocates is being built in Gulf province based on the Provincial Council of Women and the District Development Authorities. In Northern province, successful gun-surrender ceremonies have been held with the youth being encouraged into business development arrangements. JSS4D reporting and the QTAG province visits demonstrate that there is progress toward this IO at a small scale. The challenge is to increase sub-national government, community, and church ownership of these activities, without significant DFAT funding or JSS4D inputs.

Summary of Outcome 1

JSS4D's activities under this outcome are demonstrating success in several areas. However, for VCs and land mediation the current direct intervention approach should be reduced with GoPNG and sub-national governments taking greater responsibility for funding service delivery support services. Enhancing provincial coordination and supporting the rolling out of the new juvenile justice law and policies could be enhanced.

Based on the three regional visits QTAG undertook, JSS4D's way of working and relationships in the provinces appear to be valued. A wide range of partners are engaged in the activities. New approaches are being tried and seem to be working.

The role of the JSS4D advisers in the provinces should not be underestimated. They are generally not providing technical advice but act as valued neutral facilitators, mentors, and communicators – sometimes praising, sometimes pushing a little, often joining up people and parts of the system. JSS4D has a very competent province-based team, but they could be used more widely to support a cautious expansion into other provinces. QTAG believes one idea that has merit is to recruit a small team of national advisers who could work alongside some of the current advisers for six months and then be placed in a new province with regular mentoring visits from their lead mentor.

A fundamental problem for QTAG in making judgements on effectiveness and impact, and therefore for DFAT and GoPNG, is the lack of qualitative analysis. This is not just a problem for Outcome 1 but for the whole program. For example, we know that in the first six months of 2018 across the JSS4D program, 22,936 people were reached through awareness activities. In Northern Province, 8,500 people from 12 schools and 13 communities were reached on human rights, FSV, and drug and alcohol abuse. The numbers receiving awareness and training are impressive in themselves and do illustrate program delivery success. However, in the longer term some evaluative analysis is required to contribute to programs taking this beyond an Australian aid program.

If quantitative reviews were undertaken, JSS4D could advise the sector on how these sub-programs could be rolled out by government or through government systems. One of the resolutions of the recent Lae Law and Order Summit was that GoPNG needs to be significantly more active in funding civil society and churches to support crime prevention and community safety. The forum noted that it was not acceptable for development partners to carry the main burden in regard to community safety.

This Popondetta case study demonstrates that these approaches can work.

Popondetta case study

QTAG saw demonstrable evidence of a well-coordinated law and justice sector in Popondetta. The Law and Justice Sector Working Group meets on a regular basis and awareness-raising sessions are coordinated and run by the sector together, despite some volatility in the upper echelons of the provincial administration. Interns from the JSS4D program organise and attend training sessions and community awareness-raising meetings, which has embedded a level of sustainability within DJAG to enable scheduled training events to take place without the JSS4D adviser in-country.

A women's advocacy group and a youth advocacy group run awareness-raising sessions on a voluntary basis. The women's advocacy group has received training on issues such as gender equality and FSV, and members pass this knowledge on through their community networks. The program reported the surrender of alcohol-brewing equipment, drugs, weapons, and ammunition by more than 70 young men and women from three high-risk communities following sustained awareness programs addressing these issues.

The first Youth Council Establishment Workshop was held in May 2018 in Oro, with the aim of empowering young people to establish youth councils at the local government, district, and provincial level.

The strength of individual leadership is evident. Correctional Services does not suffer from the same limitations as many other facilities around the country. The Correctional Services facility in Popondetta is below capacity, the number of inmates is known, as is whether they are on remand or convicted, the length of time detained, and juveniles and female prisoners are separated.

Juveniles are detained in separate facilities at the police station. Reportedly, juveniles are diverted for minor offences and often placed in the custody of their parents. Records are kept and maintained.

Similarly, the FSVU maintains good records. Despite facilities that are sub-optimal for maintaining confidentiality, the number of women and children attending the FSVU has reportedly increased after awareness-raising activities, most notably from the rural and remote areas of the province. Although suffering from a shortage of manpower, strong leadership by key individuals appears to have contributed to the success of the FSVU. Interim protection orders (IPOs) are applied for and granted.

Recently, 17 police officers, including the Provincial Police Commissioner, were arrested for two separate offences; this demonstrates leadership among those issuing and enforcing the warrants. These two cases were supported by the OC as an external oversight office.

The Senior Provincial Magistrate will often adjourn other cases to hear an application for an IPO. At the time of writing, seven prisoners were detained at Correctional Services facilities for breaching an IPO. However, enforcement of IPOs is challenging in the rural and remote areas due to a lack of transportation and inaccessibility. This is a key challenge, as awareness raising reaches the more remote areas of the province yet is not matched by resources to be able to respond – for example, when an IPO is breached – to arrest the perpetrator.

The parole/probation program has also succeeded in rehabilitating parolees and probationers. Initiatives such as the *Start Your Business* program have provided training on basic financial management and entrepreneurship to young people who have been involved in, or were at risk of becoming involved in, crime. Although in some cases accessing the capital to kick start a business can be a challenge, there are numerous cases of success and, according to the records, no individual on the program has reoffended.

RECOMMENDATIONS ON COMMUNITY SAFETY AND SECURITY

3   DFAT's future support for VCs focuses on increasing sustainability by:

    a.   capturing, sharing, and replicating the lessons from JSS4D activities;

    b.   taking into account the recommendations of the planned 2019 JSS4D VC evaluation; and

    c.   working with DJAG, VCLMS, and sub-national governments to increase recurrent budget funding for the delivery of VC training and inspections and reducing the dependence on DFAT funding for service delivery at the sub-national level.

4   DFAT's future support for land mediation focuses on increasing sustainability by:

    a.   capturing, sharing, and replicating the lessons from JSS4D activities; and

    b.   working with DJAG, VCLMS, and sub-national governments to increase recurrent budget funding for the delivery of land mediation training and services and reducing the dependence on DFAT funding for service delivery at the sub-national level.

5   Future support for juvenile justice, in close coordination with the UNICEF program, to address awareness, rollout of diversion, alternatives to imprisonment, and other compliance processes. Interventions and support, including a limited infrastructure program, to focus where there is a reliable church or civil society partner and sector support.

6 JSS4D prepares a proposal for endorsement by SPGM to recruit up to half a dozen local advisers to be trained and mentored by the current provincial advisers for at least six months with a view to using them to expand JSS4D services to other provinces.

Outcome 2: FSV

JSS4D monitors progress in addressing FSV against four IOs under a single EoPO: **Women and others vulnerable to FSV increasingly access justice, legal protection, and support services.** QTAG notes that elements related to FSV are integrated into JSS4D work across all outcome areas, reflecting the need for change in different spheres of law and justice to address this issue. Key findings around each IO are explored below.

IO 2.1 Women are empowered to influence the delivery of law and justice

JSS4D focuses on empowering women to influence policy and decision making. It supports women in key positions to shape and implement laws, policies, and services that address the needs of survivors and those at risk of FSV, while enhancing the enabling environment for FSV survivors to access justice.

The program's support for the rollout of the Department of Personnel Management's GESI policy has resulted in the police upgrading their Equal Opportunities Policy, DJAG developing a sexual harassment policy, Correctional Services focusing on gender mainstreaming, and female employment ratios across the sector increasing.

The sector-wide approach coordinated through a multi-agency GESI Community of Practice has boosted individual agencies' efforts to raise awareness on the GESI policy and embed it within individual agencies. Departmental heads interviewed by QTAG all highlighted progress in implementing the GESI policy within their respective institutions, reflecting the traction this has gained across the law and justice sector.

Support to the networking of women working within law and justice services (for example, the reactivated RPNGC Women's Association Network and the Judicial Women's Association) and their increased participation in decision making appears effective in increasing their confidence and visibility within law and justice institutions, including taking on more prominent roles.

IO 2.2 Victims of FSV increasingly access referral and support services

Service providers that we consulted, including police, health, and welfare services, noted that demand for services is increasing. RPNGC FSV units, family support centres, and other entry points are consequently under pressure, with limited capacities to respond. FSV rates are high, at over 90% of reported crime, according to RPNGC QTAG informants.

While good quantitative data exist at some service centres such as police stations, they are inconsistent and largely uncollated. There also remains a need for qualitative data that can illuminate the main drivers for reporting/not reporting and for changing attitudes toward responding to FSV within families, communities, and different institutions. Not enough is known about whether survivors felt that they received appropriate services or satisfactory forms of justice, or about the range of factors determining how cases progress through court.

FSV actors are seemingly well coordinated in Lae, Port Moresby, Buka, and Popondetta. JSS4D has supported workshops to help strengthen referral pathways and align the efforts of different providers through the FSVAC, including the development of national Referral Pathway Guidelines, which are a useful contribution to improving coverage and quality of delivery in the system. There appears to be increasing coordination between different actors, including national and provincial FSVACs, FSVUs, and family support centres. The program has included support to develop new facilities, such as the FSVUs in Waigani and Manus. Given the high demand and specific needs of FSV survivors, these units are essential. Additional inputs to improve RPNGC responses to FSV, such as the development of Standard Operating Procedures, address a crucial challenge in policing practice and coherence between reporting and referral.

IO 2.3 Women and other vulnerable groups increasingly access effective legal protection and assistance

The program supported the law and justice sector's efforts to implement the 2013 FPA, which formalised processes for obtaining legal protection orders. Guidelines and training across law and justice actors have ensured that both IPOs and protection orders are obtainable. Evidence suggests high uptake for IPOs, with most applications being granted and enforced. Anecdotal evidence suggests that courts were willing to penalise individuals who broke these protection orders (examples were given of individuals being detained for this).

Greater data collection and analysis to understand usage patterns for the provisions in the FPA are needed, including the profiles of those who access protection orders and those who do not attempt this and what facilitates or inhibits this. Informants suggested to QTAG that the poorest and most vulnerable may be less likely to use these provisions, with those more educated and better connected being more aware and confident of accessing this system. Further, there is a need to better understand the outcomes of these protection measures and the FPA more broadly in terms of meeting the needs of both individual survivors and their families.

It was noted that patterns of sorcery-related violence have changed and increasingly target women. JSS4D has engaged with DJAG on implementation of the Sorcery National Action Plan and with the Constitutional and Law Reform Commission on engaging the churches, but this could be a more explicit focus in future, particularly where sorcery-related violence and FSV overlap.

IO 2.4 Increase in timely investigations and prosecution of FSV cases in the lower and national courts

Prosecution of FSV cases is difficult because of issues in collecting evidence, retaining witnesses, and the unwillingness of many survivors to proceed to court. However, there has been progress in prosecution of sexual offences, with JSS4D supporting improvements in operating processes and the evidence chain to address barriers to successful prosecutions (e.g. JSS4D support for the collection of medical evidence), procedures for obtaining and presenting evidence from children, and improving police skills to conduct investigations and collect witness statements. According to prosecutors and magistrates, the collection of medical evidence has improved significantly as a result of JSS4D workshops and training. At the same time, it was reported to QTAG that successful prosecutions are still too often elusive, with verdicts

often seeming to let down survivors for inexplicable reasoning by the court, despite what appears to be a complete evidence chain evidence of the lack of consent. Further work is needed to explore the reasons why courts have not felt able to hand down guilty verdicts in critical cases and to identify ways to overcome this.

There is good cooperation between the AFP and JSS4D in Port Moresby and Lae on training and supporting partners. The arrangements are largely informal, however, and a simple protocol between the two bodies is required. There is a significant gap in RPNGC prosecution abilities. Full-time prosecution and investigation advisory support could be a valuable addition that would help bring serious cases to court. There are clear roles for RPNGC/AFP and a JSS4D program, but these need documenting.

Prosecutors reported to QTAG that some cases are charged as less serious offences to move them swiftly through the system. However, magistrates reported that they are watching this closely and referring serious cases back to be recharged as indictable matters. Addressing weaknesses in this system is essential to ensure that the more serious cases are charged correctly.

Excellent work from the OPP, with support from the AGD, advances the prosecution of the cases that get that far. OPP will need continued support from AGD, and JSS4D, to upskill, mentor, and support OPP lawyers, especially the talented younger cadre who are not yet confident operating without technical support. In QTAG's view, the OPP technical assistance still needs lawyers who can advise and appear in court to enhance credibility and coordination while supporting this impressive emerging generation of OPP lawyers. QTAG supports the recent decision to continue AGD support for OPP.

Respondents indicated that, despite high levels of initial reporting at police stations, most cases reported are ultimately resolved informally at community level. Intervention is needed to ensure that community-level resolution is used only where appropriate and that it meets the needs of survivors, while also ensuring survivors have both access to and confidence in the formal judicial system.

Summary of Outcome 2

JSS4D demonstrates considerable success in supporting the law and justice sector to address FSV. Building on previous investments, JSS4D works with a broad range of partners and donor programs to support a comprehensive and sustained approach to tackling FSV prevention and response. FSV-related activities appear to be largely on track against annual plans. JSS4D is highly regarded and brings significant technical expertise to this work.

A very active, broad-based, and well-coordinated network of actors addressing FSV is emerging in PNG, with many donors and partners, including civil society, churches, notable individuals, RPNGC (including 24 FSVUs), AFP, OPP, and OPS. JSS4D is a respected partner in this coalition, valued for its targeted financial support as well as the technical advice and engagement of JSS4D staff and the workshops and training it has delivered to multiple stakeholders.

However, police and other services are too often stretched and under-resourced, while successful prosecutions remain all too rare. This risks deterring survivors from pursuing cases and conveying a sense of impunity to perpetrators of serious crimes.

Understanding and overcoming the last remaining barriers to effective law and justice responses to FSV has been a part of the FSV training for investigators and prosecutors and should remain a key focus for future programming.

The lack of systematic data, targeted research, and policy evidence around FSV is a significant issue. Informants to the review noted the following as potential areas of useful exploration by JSS4D to inform the next phase of the program and other interventions:

- Analysis of details of the cases that are reported to the police and that are entered in the occurrence book. Additional research to highlight what determines reporting patterns in different communities/locations (what types of cases, what profile of survivors, what support is needed to report, what barriers are there to reporting, etc.).

- Analysis of cases that progress to prosecution, including: reasons for cases going forward (or not) and whether they are treated as serious crimes (or not); tracking and monitoring of the most serious cases taken on by RPNGC and progress in collecting evidence and statements; tracking the progress of serious cases through the committal phase through to National Court; and analysing the drivers of successful prosecutions as well as reasons for acquittals at the National Court.

QTAG recommends that these aspects should be followed up by DFAT with other programs such as Pacific Women Shaping Pacific Development:

- The effectiveness of various forms of training provided since 2016 in improving outcomes for survivors. What happens to survivors referred to the various pathways? What are their levels of satisfaction with the assistance they received and the difference it made to their lives and to what extent has further violence been prevented?

- How do different societal structures and norms across PNG affect responses to FSV and outcomes for survivors? For example, are there differences between patriarchal and matriarchal communities? How does sorcery inter-relate with FSV in different communities and how do responses need to align and complement each other?

RECOMMENDATIONS ON FSV

7 JSS4D and/or AHC, in liaison with other FSV actors and drawing on international best practice and expertise in researching violence, should implement a small set of tightly defined research studies to build an evidence base on:

   a. what works in addressing FSV in the PNG context and the roles that law and justice institutions play;

   b. how survivors felt about the services they received and their satisfaction with the justice system; and

   c. key intervention points in the justice system on the crime types, demographics of survivors, volume, and the responsiveness of the system.

8 JSS4D, in association with the AFP, applies additional advisory support, training, and awareness to the RPNGC Sexual Offences Squad, OPP, Magisterial Services, and the National Court for investigation and prosecution of FSV cases arising through the Boroko Police Station.

Outcome 3: Law and justice services

JSS4D monitors progress on law and justice services against four IOs under one EoPO: **Law and justice agencies deliver more ethical and accountable core state functions with a focus on accessibility, quality, and service.**

Effective law and justice services represent a large financial component of the JSS4D program. The primary focus areas under law and justice services have been organisational reform of several of the sector's key agencies and training and capacity development. QTAG notes that four to five departmental heads will be changing in the next 12 months, which may result in significant disruption to the leadership of the sector.

IO 3.1 Supported infrastructure investments result in improved quality and/or expanded access for women and men to state law and justice services

Limited infrastructure investments have formed part of the JSS4D program to date. The redevelopment of the Manus Provincial Police Headquarters was completed and handed over to the RPNGC on 30 November 2017. There has been slow progress in the establishment of the Community Justice Service Centre in Kiunga, Western province. Construction did commence on two FSVUs late in 2017.[1] The new infrastructure is reportedly resourced and well used.

The sector reported to QTAG some confusion about the availability of funding for infrastructure projects under JSS4D. There is a need for clarification for the sector as to what type of activities will or will not be funded under the annual planning process.

IO 3.2 Management, leadership, and prioritised professional skills are stronger in law and justice agencies

JSS4D supports a diverse range of training and capacity-development activities. These include accredited certificate, diploma, and master's courses delivered in both PNG and Australia, twinning arrangements with similar institutions in the region, and tailored training delivered by experts to improve technical skills.

The professional development of male and female staff in leadership, management, and other skills has been a significant part of this IO, with over 16 different training sessions provided for about 600 people, with equal female to male participation on most. The training is highly valued by the participants.

Capacity-development initiatives are monitored through a standardised toolkit that aims to track the impact of training on individuals and agencies over time.[2] However, respondents indicated that implementation of this toolkit has been limited and further research is needed to see if the training is being applied in the workplace.

IO 3.3 Law and justice agencies provide more effective legal services to GoPNG

Organisational reform

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[1] Cardno (2017) *JSS4D Annual Progress Report 2017*.
[2] Cardno (2016) *JSS4D Annual Progress Report 2016*.

JSS4D is supporting evidence-based approaches for the organisational reform of several of the sector's key agencies (e.g. Magisterial Services, OPS, and Correctional Services) and supports initiatives to reform systems within agencies and across the sector. These activities provide a platform for future DFAT support for specific activities where GoPNG and the relevant agency have demonstrated commitment.

Organisational reform at Magisterial Services has included revised job descriptions, guidelines for probationary magistrates, and a performance management framework for magistrates. With support from JSS4D, Magisterial Services has also produced a 'Court Officer's Procedures Manual' and a 'District Court Bench Book'. However, due to annualised programming and funding cycles, there are significant concerns that funding will not extend to the rollout and training of these two manuals. There was a concern in Magisterial Services that, if implementation was limited to the priority provinces, it will be piecemeal and lead to inconsistencies in magisterial practice across the country. JSS4D is now proposing a regional approach to training.

Organisational reform at OPS has included the re-establishment of its case management system and a nationwide file audit. The OPS's lawyers' continuing professional development program has been re-invigorated and is now self-sustained through regular legal education from members of the PNG judiciary and legal fraternity.

An independent *National Prison Review*, funded by JSS4D, was also undertaken at Correctional Services. It has resulted in 79 recommendations that, if implemented, would completely transform and restructure the service. The review has resulted in a paper for the GoPNG cabinet on future investment, supported by the NCM. The Commissioner has established an implementation committee and approved a 14-point implementation plan for 2018–2022. In addition, DJAG has implemented several activities to improve the delivery of probation and parole services.[3]

Priority areas

JSS4D has had a prisoner management focus in 2018, identified through the 2018 annual planning process. DFAT assistance has been targeted toward overall organisation reform and managing juveniles.

During time in-country, respondents highlighted issues of prison crowding, long delays for court hearings,[4] no separation of male juveniles (aged 10 to 17 years) from the adult male cohort at most institutions, no separation between those convicted of serious crimes and remandees, minimal food provisions, overcrowding (some major prisons hold double the number of people than the design capacity), poor sanitary conditions, lack of health services, poor facilities for family visits, weapons held by prisoners, inadequate facilities for women and women with children, and a lack of rehabilitation and vocational services.

To quote the *National Prison Review*:[5]

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[3] Cardno (2017) *JSS4D Annual Progress Report 2017*, p. 17.
[4] *The National,* Monday 22 October 2018: *Court delays choking Baisu jail*. 'Holding detainees for too long in prison waiting for court appearances is causing overcrowding in Western Highlands' Baisu Jail', says Correctional Service acting-Commissioner Stephen Pokanis responding to concerns raised about 21 remandees having been held at Baisu since 2016 awaiting court appearances.
[5] Detailed in the independent *Report of the Papua New Guinea Correctional Services, National Prison Review*, Knowledge Consulting, Australia, 16 March 2018, provided to the QTAG in confidence by the Commissioner.

> [The] issues included clear breaches of basic human rights based on the numerous international declarations and conventions, the Constitution of Papua New Guinea, the Correctional Services Act 1995, correctional regulations and policy.

Subsequent to the mission there were news reports of food shortages at one of the major Southern Highlands institutions. Commanders of many prisons are also working with minimal data, to the extent that there was uncertainty as to who comprised the prison cohort, how prisoners were detained, and whether they were on remand or convicted. Correctional Services had a fit-for-purpose functioning paper-based system for the management of prisons. At least three attempts to computerise this since the mid-1990s have not been sustained nationally. There appears to be a lack of fundamental GoPNG funding to provide the basic services required of Correctional Services. Implementation of the *National Prison Review* will take hundreds of millions of kina and at least 10 years.

Juvenile justice is at an early stage in the program, commencing in 2018 after it was identified as area for increased attention during the 2018 annual planning process.[6] Work in this area is closely coordinated with the AFP and UNICEF, which has taken the lead role in developing the new laws and policies.

Although QTAG identified significant issues in relation to juvenile justice across all agencies, there is significant momentum behind it as a thematic area across the sector and a view prevails that the goals within the *Juvenile Justice National Plan 2018–2022* (the National Plan) are realistic, sustainable, and achievable. JSS4D supported DJAG to implement the National Plan through awareness-raising activities for juvenile justice legislation and the National Plan, as well as the establishment and strengthening of provincial juvenile justice committees in some priority provinces. A framework to monitor the implementation of the National Plan is also under development.

QTAG identified significant collaboration between JSS4D and AFP advisers in Boroko in training cadets, funding a review of the cadet curriculum to include juvenile justice, and improving record-keeping systems in relation to juveniles. There is also evidence that a paper-based system for the occurrence book is working. Such a system may be a precedent for other agencies in the law and justice sector, including for Correctional Services. A Juvenile Justice Directorate has been established and is staffed and resourced. There is opportunity for a joined-up initiative with AFP, with RPNGC demonstrating leadership.

In addition, support to PNG's first Youth Council Establishment Workshop in Northern (Oro) province and training to young people in both Oro and Gulf who have been involved in, or were at risk of becoming involved in, crime have proven successful.

Given the infancy of the work in this area, QTAG identified a number of challenges, including: difficulties in prosecutions within the RPNGC; a lack of use of diversionary practices;[7] a lack of facilities within command centres to be able to physically separate juveniles;[8] Magisterial Services lacking facilities and furniture to conduct juvenile

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[6] Cardno (2018) *JSS4D 6 Month Progress Report (Draft) 2018*.

[7] In some cases – such as Popondetta – juveniles are diverted. For minor offences, they are placed in the custody of their parents.

[8] In Popondetta, where a separate facility exists at both the Correctional Services facility and police station, juveniles are kept separate from adult detainees.

proceedings in a less intimidating manner; and significant effort still required to explain and implement the new law and the National Plan. The detention of juveniles in correctional service facilities with the adult cohort of detainees is of significant concern. Efficient case management systems were also primarily absent. Aside from support to the development of a Youth Council in Oro, there is generally an absence of avenues for youth to voice their opinions and concerns.

There is also concern regarding the link between the law and justice sector and the Department of Community Development, which is responsible for child protection issues. Anecdotally, respondents indicated that those who are survivors of child abuse often end up on the juvenile justice track. To ensure a fully joined-up process, it may be beneficial to incorporate child protection as part of future programming. After the completion of QTAG's fieldwork in PNG, the Department of Community Development has since joined the NCM, providing opportunity for NCM oversight on this line of work.

In 2018, the sector identified drug and alcohol management – in particular, for young people – as a priority focal area. JSS4D has provided continued assistance to the National Narcotics Bureau for the development of a Nationwide Drugs and Alcohol Awareness Program. In 2017, DJAG also conducted its Narcotics, Drug, and Alcohol Abuse Preventative Workshop to promote a multidisciplinary, multi-sector approach.

IO 3.4 Law and justice agencies demonstrate commitment to tracking and publishing agency and sector performance data

JSS4D has noted that the reporting, tracking, and publishing of agency and sector data remains an ongoing challenge.[9] Respondents indicated that little had progressed in terms of law and justice sector agencies publishing annual plans with agency performance data, although there are some exceptions such as the National and Supreme Court.

The LJSS has not produced a sector annual report for three years, which is mainly a result of resourcing issues. Under previous programs, DFAT provided short-term advisory support to produce the sector report. One of the core impediments facing agencies and therefore the sector is a lack of reliable data collection.

EoPO: Law and justice agencies deliver more ethical and accountable core state functions with a focus on accessibility, quality, and service

Summary of Outcome 3

The program's efforts under Outcome 3 build on over 20 years of prior assistance based around institutional strengthening of the operational and public administration of parts of the law and justice agencies. The program's organisational reform component has been limited to a select set of institutional strengthening activities in three of the sector's agencies. However, there are legitimate concerns that the annualised planning process will hinder effective nationwide implementation of these organisational reforms, thereby hindering the program's ability to demonstrate improved accessibility, service, and quality for these agencies. For example, as mentioned above, although funding may

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[9] Cardno (2017) *JSS4D Annual Progress Report 2017*, p. 18.

have been secured in one year for the development of materials such as the District Court Bench Book, funding may not be guaranteed in subsequent years for implementation and training on such materials. In addition, reporting, tracking, and publishing of agency and sector data remains an ongoing challenge, which limits the ability to inform future planning and assess effectiveness.

Training and professional development activities under Outcome 3 have been highly valued by participants. There is a need, however, to ensure that this training is effectively targeted and that it is leading to enhanced service delivery in the workplace. For example, individuals selected to participate in training activities should be those most appropriate for the activity, and training sessions tailored appropriately to their core work functions. Further, the QTAG notes that many of the activities under Outcome 3 should be carried out under a recurrent budget funded by GoPNG, including, as a priority, the focus area of prisoner management. There is significant momentum around the focal area of juvenile justice and an opportunity for JSS4D to capitalise on this momentum and demonstrate significant impact along the juvenile justice track.

RECOMMENDATIONS ON LAW AND JUSTICE SERVICES:

9   A future JSS4D program develops, with the NCM, more rigorous criteria for the provision of Australian support to the area of legal services based around access to justice and service delivery. Key features of such support should be a rigorous analysis of sustainability, especially:

   a.   the host agency's ability to staff and sustain the initiative;

   b.   the recurrent budget contribution the agency can make; and

   c.   the contribution it makes to access to justice and service delivery.

10   Based upon an evaluation of the effectiveness of JSS4D-funded training, select professional development programs to continue across the sector that are appropriately targeted to each individual's needs and capacity.

11   A future JSS4D program supports select policy development, improved regular reporting by agencies and the sector (including sector agency annual reports), and then analysis by the LJSS and the agencies of performance, based on key data sources.

12   Incorporation by DFAT of child protection issues in the design of a future iteration of the JSS4D program would provide a holistic programmatic response to juvenile justice.

Outcome 4: Anti-corruption

JSS4D has had a limited budget with which to pursue anti-corruption initiatives, being 5% of the Annual Plan budget and just 3% overall.

IO 4.1 & 4.2 Law and justice agencies and administrations improve cultures, systems, and accountabilities to resist petty and bureaucratic corruption

JSS4D is designed to address corruption through both prevention and effective law enforcement.[10] The prevention, or 'corruption resistance', component of the program has primarily consisted of developing and rolling out service and budget charters to targeted service delivery points in the law and justice sector, including selected Correctional Services institutions, VCs, and Land Mediation Services in priority provinces. Service charters were first piloted under the PALJP program.[11] They aim to strengthen service delivery, improve accountability, and reduce opportunities for corruption by improving both the demand for and supply of good governance.

A review of service charters by JSS4D indicated that, although they are generally well regarded, embedding them and bringing about the organisational change and systems necessary for them to be effective is 'labour intensive and requires sustained and focused effort'. The program has since placed an increased focus on embedding existing charters.[12]

QTAG identified additional concerns regarding the service charters: first, that distribution channels for the service charters were too narrow, which adversely impacted on the visibility of the charters, and, second, that effective referral and response channels were not necessarily well established enough to be able to respond to grievances aired through the service charters. We query whether the service charters were introduced prematurely at a stage where service delivery or standards were at a low base, and thus where failures in standards are the norm rather than the exception.

IO 4.3 Responsible PNG enforcement agencies more effectively enforce laws against corruption

The JSS4D program aims to improve effective law enforcement through initiatives that strengthen the capacity of law and justice agencies to investigate and prosecute complex fraud and corruption cases in a coordinated way. This has included fraud investigation courses (through the RPNGC Fraud and Anti-Corruption Directorate) and an OPP-hosted workshop to promote the effective investigation of fraud, corruption, and money-laundering offences.

JSS4D funding support has enabled the OC to provide critical oversight of internal investigations by the RPNGC into high-profile or serious complaints against its members, culminating in 2017 in the conviction and sentence of four police officers to 20 years' imprisonment each for the aggravated rape of a 17-year old female, unlawful discharge of firearms, and the destruction of property and arson, committed during a raid on a village in December 2013.[13] More recently, the OC has been overseeing investigations by the RPNGC in two separate cases in Oro involving 17 police officers, including the Provincial Police Commissioner. This support to the OC is highly valued.

The training and financial support provided to enhance criminal investigations of serious criminal offences and corruption-related offences has been highly valued and the quality of investigations has reportedly improved. Financial capacity assistance is also highly

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[10] Cardno (2017) *JSS4D Annual Progress Report 2017*, p. 18.
[11] Cardno (2016) *JSS4D Annual Progress Report 2016*, p. vi.
[12] Cardno (2018) *JSS4D 6 Month Progress Report (Draft) 2018*.
[13] Cardno (2017) *JSS4D Annual Progress Report 2017*, p. xi.

valued in order to be able to call expert witnesses and effectively run complex, large, and high-profile cases.

Despite successes in the improvement of the quality of investigations, however, there is an identified disconnect between training and progressing cases further along the criminal justice track.

IO 4.4 Anti-money-laundering frameworks increasingly meet international standards

DJAG, in partnership with the Bank of PNG, began the development of a strategic plan to guide the ongoing implementation of PNG's international anti-money-laundering obligations.[14]

EoPO: Target agencies and provinces demonstrate improved resistance to, detection, investigation, and prosecution of corruption

Summary of Outcome 4

The current budgetary allocation to Outcome 4 is minimal in comparison to other outcome areas. In addition, there is disparity in the level of effort to reach IOs. For example, significant effort has gone into the development and implementation of service charters compared to the emphasis placed on IO 4.4 to strengthen anti-money-laundering frameworks. The service charters form the main component of work under IOs 4.1 and 4.2. However, as mentioned above, although well regarded, we query whether the service charters are the most effective course of action to demonstrate improved cultures, systems, and accountabilities to resist petty and bureaucratic corruption. The focus on investigative anti-fraud and anti-corruption training is highly regarded and of great value to the sector. Likewise, the ability of the program to provide complementary support to programs such as the IPP has had demonstrable positive impact.

QTAG believes that, with additional resourcing, there is scope to substantially expand the anti-corruption component of the program, while scaling back the development and implementation of new service charters. This will enable the program to more effectively reach its EoPO.

RECOMMENDATIONS ON ANTI-CORRUPTION:

13 The program should suspend the development of any new service and budget charters and scale back the implementation of existing service and budget charters.

14 JSS4D should develop a policy paper for discussion between the NCM and DFAT on possible future programming for an anti-corruption component of the next iteration of JSS4D. The paper should cover actions to implement the recommendations of law and justice agency integrity reviews, measures to enhance citizen trust that corruption will be addressed through the criminal justice system, enhancing and building upon existing anti-fraud and anti-corruption investigative and prosecutorial training, the recommendations of the Financial Actions Task Force, and, to the extent possible, build upon and complement the current joint

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[14] Cardno (2017) *JSS4D Quarterly Program Progress Report, Quarter 6, 1 April–30 June 2017*.

work and support provided through AUSTRAC, the Australian Department of Home Affairs, the Bank of PNG, and DJAG.

Outcome 5: ARoB

Given the distinct status and circumstances of ARoB, JSS4D implements a separate component through a project team based in Buka, ARoB. This component has its own results framework, based around the same four EoPO areas as the national program, each with several expected IOs. Progress against the four outcome areas for ARoB is discussed below.

EoPO 1. Community justice: Local-level dispute resolution and conflict mediation mechanisms in target areas are more effective, locally legitimate, and available

IO 1.1: VCs and land mediators are more effective

IO 1.2 Local-level dispute resolution mechanisms are more coordinated and effective

IO 1.3 Crime-prevention initiatives, focused on rehabilitation of offenders and diversion, are implemented

VCs and land mediators are well functioning and increasingly integrated with formal justice mechanisms. High percentages of VC officers and land mediators as well as VC clerks have been trained. The focus going forward should be on monitoring and reporting to ensure sustainability, to enable targeted follow-up capacity-building support, and to collect data to get an accurate picture of cases, outcomes, and how local-level mechanisms work in relation to other institutions.

Compared to other areas in PNG, ARoB has made greater progress on juvenile justice, with the Mabiri Juvenile Centre functioning well and enabling convicted juvenile offenders to be rehabilitated and reintegrated. This is in stark contrast to the adult justice system, however. The lack of correctional facilities in ARoB (and lack of alternative provision outside ARoB) is both a human rights issue and a serious barrier to the functioning of the criminal justice system in ARoB more broadly. With police facilities used to detain prisoners over the long term and weaknesses in this provision (with prisoners often able to leave the facilities), the situation also serves to undermine confidence in the police service. The provision of a separate detention facility is the most urgent need for the law and justice system in ARoB. In the meantime, it is essential that efforts to improve the parole service and introduce voluntary probation officers by community-based corrections under DJAG are well resourced.

EoPO 2. FSV: Women and others vulnerable to FSV increasingly access justice, legal protection, and support services

IO2.1 Women and other vulnerable groups increasingly access effective legal protection and assistance

IO2.2 Increase in timely investigation and prosecution of FSV cases in the lower and national courts

IO2.3 Women and other vulnerable groups are empowered to influence the delivery of law and justice

In the area of FSV, progress has been made in terms of awareness raising at community level and among the staff of law and justice agencies. Additionally, strategic-level work across the sector has been supported effectively by JSS4D, particularly in terms of development and endorsement of the ARoB FSVAC three-year strategic plan. Along with the Strategic Plan for the Department of Community Development, this provides a sound platform for improved responses to FSV. There is a good understanding of referral pathways and some service providers demonstrate impressive practice, particularly in terms of Seif Haus provision.

Awareness raising at community level has created high demand, particularly in terms of IPOs and Seif Haus provision. However, the capacity to investigate and prosecute FSV crimes is severely limited by the more general capacity constraints of the ARoB police (see below), the restricted presence of law and justice agencies in the central and southern regions of ARoB, and the lack of budget for recurrent costs (including transport). Multiple informants noted that it often takes months for police to respond to a complaint and initiate an investigation. Therefore, while some level of protection is available through IPOs and Seif Haus provision, justice and prevention through the justice system, including deterrence, is lacking.

EoPO 3. Law and justice: ARoB law and justice services are delivered more ethically and accountably, with a focus on accessibility, quality, and service

IO 3.1 Prioritised infrastructure investments expand access to law and justice services

IO 3.2 Law and justice agencies demonstrate accountability and transparency in the delivery of services

IO 3.3 ARoB has enhanced capacity to provide legal services to the ABG

IO 3.4 Appropriate and coherent approach to the progressive transfer of law and justice-related powers and functions

Local law and justice coordination mechanisms are working well, with JSS4D playing a key role in supporting individual agencies to coordinate across the sector. Notably, JSS4D has also fostered engagement with the Department for Community Development in the ARoB law and justice sector. However, a lack of recurrent funding for operations and activities is a significant issue constraining service delivery. GoPNG has worked well with the ABG to provide services and establish all agencies' presence in ARoB, even if in some cases this is just an office in Buka. All the national law and justice functions have a presence in ARoB and are providing services. The National Court, Public Prosecutor, RPNGC, Correctional Services, and OPS all provide support services for the court circuits. Magisterial Services provides services in Arawa and Buin. However, other services such as OC, Correctional Services, ABG law and justice, probation, and juvenile justice are largely concentrated in Buka and lacking in central and southern ARoB. All agencies noted the need to extend presence and services. The challenge in that regard is funding from GoPNG for housing, offices, and staff relocation costs. A potential future role for JSS4D is in providing technical advice and support as this process rolls out, including in fostering further coordination between agencies at an operational level.

An underlying issue for the law and justice sector is the entitlement of the ABG to draw down law and justice powers, the affordability of doing so, current safety, security and stability concerns, and the issues around the referendum and changes that would ensue

dependent on the result. QTAG recognises that the ABG is interested in the establishment of ARoB law and justice services under the constitutional arrangements.

DFAT support for the ARoB law and justice sector is independent of the specifics of the future constitutional arrangements in ARoB. The aim is to improve law and justice outcomes for the people. Particular care is needed when assisting the ABG and GoPNG to explore and develop concepts for the further development of law and justice services in ARoB, however, given the uncertainty around the future political arrangements for the region and funding.

EoPO 4. Policing: A more credible and functioning Bougainville Police Service (BPS) effectively linked to community policing and other arms of the ARoB law and justice system

IO 4.1 ARoB police staffing increases, including the number of policewomen

IO 4.2 BPS HR systems and corporate and administrative services support the delivery of good quality, accountable policing services in ARoB

IO 4.3 BPS and Community Auxiliary Police demonstrate improved policing, competencies, and response to key community and ABG concerns

IO 4.4 Supporting policy developments to identify a police service appropriate to ARoB's vision

While there has been progress in terms of training and strategy development to support better policing, severe capacity constraints in terms of staffing, transport, and running costs limit the functionality of the BPS. The lack of an appropriate correctional facility, and the subsequent overcrowding of the Buka police cell, and weak prisoner management affect perceptions of policing more broadly. Resourcing the police and removing the need for them to undertake long-term prisoner management are the key priorities for the ARoB law and justice sector. JSS4D can provide support to planning for prisoner management. It can also support DFAT in high-level policy engagement around long-term resourcing for law and justice services in ARoB at both the ABG and GoPNG national agency levels.

Summary of Outcome 5

Overall, JSS4D activities in ARoB are well delivered and are valued by local stakeholders. JSS4D effectively supports law and justice stakeholders to manage reform through the provision of technical advice, training, and facilitation/coordination of initiatives to support the sector in its efforts to better address the significant law and justice challenges in ARoB. Close counterpart relations within ARoB assist JSS4D to be responsive in providing technical advice and fostering coordination. JSS4D should adapt its support going forward to build capacities in key remaining areas for reform, notably policing, prisoner management, and the scaling up of law and justice provision to central and southern ARoB. Further support is needed to prepare individual law and justice agencies in relation to the scheduled referendum, including preparation to respond to short-term security concerns as well as longer-term scenario planning and thinking around ensuring the sustainability of law and justice functions in a shifting political and institutional landscape.

RECOMMENDATIONS FOR ARoB

15 Future support for law and justice in ARoB should continue to be based upon the ARoB police, Corrective Services and Justice Development Plan and the ARoB Strategic Development Plan 2018–2022, as approved by the Bougainville Executive Council in February 2018.

16 Future support should focus on helping ARoB address long-term resourcing for policing and broader law and justice services within the context of evolving governance arrangements under the constitution and subject to the outcomes of the referendum.

17 Given the urgent need for a correctional facility in ARoB, GoPNG (through the NCM, ABG, and DFAT) should engage on the potential for a future program to support ARoB's future plans for prisoner management.

Analysis of program delivery

Overview of program delivery

The overall delivery of JSS4D has been sound, efficient, and effective from the view of participating stakeholders. Some relatively minor administrative matters are discussed below.

QTAG has reviewed the DFAT Aid Quality Checks and Partner Performance Assessments (PPAs) for 2017 and 2018 and supports these assessments as accurate, albeit with a couple of exceptions. Specifically, we feel the scores for Risk Management and Innovation are slightly higher than is accurate. Similarly, the Partner Personnel score in the 2018 PPA is too high given the turnover of senior staff, especially in M&E where implementation of the program was adversely affected.

The Program Risk Matrix as annexed to the 2017 Annual Progress Report was out of date. The matrix was revised in May 2018 and needs to be updated regularly given PNG's overall economic situation, the reduction in recurrent budget support for the sector, the earthquakes, APEC, and disturbances in the Southern Highlands province.

Program thinking has been relatively static and linear. The design of JSS4D encourages a transactional approach. That said, the M&E annex to the design also set out requirements for continuous improvement, strategic thinking, and innovation. Much of that was not adopted.

Gender is integrated into the program and well reported on. Many of the activities are transformation-focused and will have long-term impacts. However, disability needs a higher profile: consultation with advocates will produce an initial set of activities for 2019.

Activity monitoring and reporting has generally been done well. That said, and as is discussed in more detail below, a lot of time has been spent going backwards and forwards between DFAT and JSS4D getting frameworks right – yet, at the time of writing, there is still not an agreed framework for the review and evaluation of the outcomes, let alone an agreed workplan. This is despite the fact that JSS4D has only 14 months to run.

Adaptation and innovation

There is evidence of some recent reflection and adaptation approaches, but not to the extent required in the design and for a program of this size. The focus has been on implementation of the Annual Plan. The deputy team leader position descriptions contain appropriate key activities on providing high-level analysis, developing a sector strategy, adopting innovative approaches, and engaging in cross-aid program coordination.

There are examples of innovation in the approaches being taken under Outcome 1 and engaging with communities. Similarly, in FSV and legal services some of the training activity is best practice and new to PNG. The trialling of service charters in a few prisons

at some VCs to encourage accountability was new. However, expecting outcomes given the low base of service delivery may have been optimistic.

Generally, JSS4D has exhibited an internal focus within the law and justice sector. There is no significant engagement with external influencers, except in regard to FSV. There are missed opportunities to work with DFAT's decentralisation support.

While JSS4D has implemented some modest internal review processes during annual planning, it does not have a formal process, such as problem-driven iterative adaptation or strategy testing, at the program or outcome levels to engage with partners to:

- consider the current PNG policy context and implementation experience to date, discuss the appropriateness of the ToC for the program, and each outcome and the assumptions underpinning them;

- explore the outcomes, asking: what would you expect to see by now?;

- identify those factors that are impeding or enabling success;

- consider the findings of evaluations or reviews to adapt/inform strategy or implementation as necessary; and

- identify what additional information is needed to assess JSS4D's contribution to change in PNG.

RECOMMENDATION

18 JSS4D to adopt, through the 2019 annual planning process, strategy testing with partners, or a similar approach, for each outcome, so as to update and clarify strategies and assumptions and reflect on implementation to date. Also, to further develop each of the outcomes and refine and adjust programming and ways of working in the 2019 Annual Plan.

Scale and scope

This review suggests several areas for consolidation and deeper engagement:

- **FSV**: supporting implementation activities with a focus on making the criminal justice track effective for the investigation and prosecution of serious crimes at Lae Police Station and Boroko Police Station.

- **Juvenile justice:** in association with the AFP and UNICEF program, provide more support for nationwide capacity development under the new policy.

- **Provincial and district coordination of law and justice activities:** a careful expansion to other provinces planned for the next phase and in all provinces working with the NCM to develop crime-prevention strategies.

- **Fraud and anti-corruption**: an enhanced program of assistance targeting in the first instance internal agency anti-fraud and corruption systems.

- **Legal services** and organisational transformation: based around the JSS4D work with agencies implementing critical parts of their transformational plan where there is a proven link to improved service delivery and GoPNG support for the agencies with additional personnel and financial resources.

- **LJSS strengthening**: working with the LJSS to strengthen sector coordination, regular DFAT engagement with the NCM, increasing capacity to prepare policy

papers and action plans, and improving sector and agency reporting against key indicators and outcomes.

- **Training for sector professionals**: especially for 'additional' professional skills and competencies above the level of basic training.

JSS4D should continue to work in the six priority provinces with a view to consolidating and increasing local partner participation and funding to increase the sustainability of current work. The successful approaches in the current provinces could be replicated in new provinces. The mandate of some current advisers could be expanded as capacity increases in their home province. They could train and mentor a new cadre of locally-engaged advisers who could be located in the new province.

QTAG would recommend that JSS4D commissions a small review that looks at identifying the critical elements for success, including the impact of local coordination through a provincial government branch or division. The review should visit Eastern Highlands province, which has received significant assistance previously and where QTAG was told evidence exists to show lasting impact, two provinces that have not received assistance, and the current six provinces under JSS4D. The lessons learned can feed into the design of assistance under a second phase.

New approaches are needed for VCs and land mediation with provinces, district, and local-level governments accepting responsibility for training and inspections.

Consolidation of JSS4D support needs to be supported by a more robust ToC developed in consultation with the NCM. Many NCM members stated that JSS4D was spread too thinly, doing too much and needing to be consolidated. Given the demand-driven nature of JSS4D annual planning it is sometimes hard to implement a consolidation strategy when the process is based upon an open bidding process with broad guidelines.

Management and operations

Overall, the JSS4D program is doing what it was designed to do. The Contractor is implementing the design and contract as initially contracted. However, a significant weakness has been in the implementation of the program's M&E and learning and innovation approach to qualitative analysis. This is discussed in its own section below.

Staffing

According to departmental heads, staff relations with GoPNG partners are very good. Some positions seem to have taken a significant period of time to fill, particularly in the M&E team. This has impacted program delivery.

Planning

JSS4D is managed as a demand-driven program with an annual round of bids made by agencies against a set of criteria agreed with the NCM and DFAT. The criteria are workshopped with agencies prior to writing of the bids commencing. Notwithstanding these efforts, respondents provided examples from agency heads and those writing the bids that suggested this process was not fully understood.

QTAG repeatedly heard comment that multi-year projects were funded for one year only and that such a set-up was impacting on implementation. It seems that JSS4D needs to better communicate the process to partners.

The annual planning process was largely guided by the Subsidiary Arrangement. Annual plans are to be developed by the SPGM on a calendar year basis. Agencies are encouraged to think of longer-term projects. Budgets and activities were planned for the year. There were some projects such as the organisational transformational programs that are clearly going beyond the yearly plan, but the budget envelope is set out for the year by DFAT. The uncertainty arises because of a lack of visibility on the budget envelope for the upcoming years when Phase 1 ends. JSS4D is expected to manage expectations in this regard. JSS4D agrees that there is an opportunity for multi-year projects to be encouraged and agencies supported to develop this, subject to monitoring and review and annual DFAT funding.

Transparency of budgets/finances

Most agencies reported that they found it hard to find out how much funding was left for their projects. There did not seem to be a formal process for this information to come from deputy team leaders to agency heads. Part of the problem seems to lie in the distinction between JSS4D adviser-managed activity and agency program-managed projects.

The current JSS4D process is for this information to be communicated through the relevant advisers, during the budget review process, and in the program's reports. The budget review process is facilitated with the SPGM. Adjustments are made to ensure spending commitments within the Australian financial year. Where agencies indicate they are unable to spend allocated funds prior to the end of June, funds are often moved to the second half of the calendar year or to another activity. The agreement to move money within outcome areas has enabled greater flexibility in terms of spending and utilising opportunities to support activities that are performing well.

QTAG was told it is very rare for budgets to be cut and, where this has happened, it is usually at the request of the agency concerned and is agreed as part of the SPGM budget review process.

It seemed to QTAG that this is essentially a communications issue. JSS4D needs to ensure that budget adjustments are communicated to the agency heads through a formal process.

Logistics

Given that the program has such a high spend on training, it was not surprising to hear complaints about payments for conferences, travel, per diems, etc.

JSS4D must adhere to Commonwealth procurement guidelines. In January to June 2018 it paid out PGK 967,221 in per diems. Per diems paid in advance raise significant fraud issues if participants do not attend and do not reimburse the funds within the specified period.

While the program can be difficult, and has many last-minute changes, JSS4D still tries to ensure all logistics are in place to enable activities to take place. With the recent introduction of transactive banking, the situation has improved.

Engagement with stakeholders

As previously noted, JSS4D has excellent relations with stakeholders. DFAT's annual assessment scores on this are at the top of the scale.

In Gulf province, JSS4D has continued discussions with the Oil Search Foundation and Total, who are major investors in oil and gas in the area. Both companies have their own community development programs, and discussions have focused on opportunities to align activities undertaken by Oil Search and Total to support law and justice sector priorities, with a specific focus of involving women and children, and further utilising and strengthening the mechanisms of government and communities.

The PALJP-TP signed a memorandum of understanding with Exxon Mobil to jointly fund a community justice adviser position in Hela province. The arrangement was not renewed by Exxon despite JSS4D and DFAT being keen. Other emerging and current engagements with the major resource companies focus on sharing advice on community safety and FSV initiatives.

Oil Search supported four participants from Hela to attend FSVAC's Survivor Advocate Toolkit training course.

Collaboration with the Business Coalition for Women continues, with the participation of FSVAC and JSS4D on the Steering Committee for the Public–Private Partnership Initiative to establish a Case Management Centre and Seif Haus in Port Moresby.

Analysis of GESI mainstreaming

Gender equality

JSS4D emphasises gender equality across all its outcome areas, as well as having one outcome dedicated to FSV.

Progress on FSV is detailed above under Outcome 2. The staff working under the deputy team leader for FSV provide impressive technical support and leadership on FSV but also on gender issues across JSS4D. This holistic approach to gender could be further strengthened and could help build on synergies between different workstreams.

QTAG found a high level of awareness of the importance of gender equity and particularly of the empowerment of women within law and justice services across all JSS4D stakeholders interviewed, reflecting a long-standing emphasis on gender awareness in successive programs of support to the law and justice sector as well as broader attention to gender through key initiatives across GoPNG.

JSS4D has placed high importance on further raising awareness of and integrating gender concerns. The strategy of supporting rollout of PNG's National GESI Policy has been effective, with individual agencies identifying appropriate ways to increase the capacity and visibility of women and the services they provide within their institutional context. JSS4D itself has ensured that women make up sizeable proportions of participants in training and capacity-development opportunities.

JSS4D is applying a gendered approach through various activities. A gendered approach ensures that the different needs and experiences of men, women, girls, and boys are taken into consideration in implementing the program. Maintaining women's empowerment is central to FSV work, in line with international practice.

Within any analysis of gender there should also be an intersectional approach, recognising that the experience of any one gender is not uniform but also conditioned by other identity factors and socioeconomic circumstances. In particular, the effect of socioeconomic class should be considered to ensure that the needs of the most vulnerable men and women are met. The heterogeneity of PNG society also means that gendered experience can vary according to ethno-linguistic group. While some of these factors are inherently taken into account by localised approaches, the analysis of differences is not explicit and thus some opportunities to understand what works for different communities and different people within communities are lost.

JSS4D is of the view that initially it was important to focus on crimes of violence against women. Experience in the Pacific is that an early focus on a deeper analysis of gender as a relational and localised approaches could have been distracting. While some activities working with men have been included in the JSS4D workplan, these are relatively limited. With attitudinal and behaviour change being key to addressing FSV, it is important that men are engaged to a great extent across different programmatic areas. Additionally, the specific needs and experiences of boys and young men needs greater exploration and articulation if cycles of violence are to be broken. Although it is right to focus heavily on the needs of women due to their disproportionate experience of FSV, the gender-related drivers of violence must also be addressed through the engagement of men and

boys. There is currently not enough consideration of gender as relational and not just about addressing the needs of women.

Disability

While relatively strong in terms of its gender focus, JSS4D demonstrates limited attention to broader social inclusion, particularly for those with different forms of mental and physical disability. JSS4D acknowledges that initially it focused on gender and is addressing other issues incrementally.

The program has considered the inclusion of people with disabilities in terms of access to key meetings and the design of new law and justice facilities to enable access to physically disabled individuals. It has also supported the production of information materials in Braille. However, QTAG found no evidence of JSS4D activities being based on a deeper analysis of how disabilities intersect with law and justice. In the PNG context, individuals with physical and mental disabilities are particularly vulnerable to FSV as well as to sorcery-related violence. These vulnerabilities as well as the challenges they may have in reporting a crime should be taken into account across law and justice services to ensure that the rights of the most vulnerable are met. The strategies and capacities of service providers should respond to these needs. Examples we were given included the difficulty in taking testimony from a mute woman or the difficulty of seeking prosecution for violence against a person with intellectual disabilities.

RECOMMENDATIONS ON GESI

19 JSS4D to conduct a deeper analysis of how gender, disabilities, and other aspects of identity intersect with shifting patterns of crimes (including sorcery) as well as with experiences of seeking justice, working for justice, or being subject to justice (whether formal or informal). This should take into account:

 a. the perspectives of both men and women;

 b. people living with different forms of disability; and

 c. those from different communities.

20 Future FSV and GESI support for the sector should focus on:

 a. activities that specifically address the gendered roots of crime and gendered barriers to achieving justice and well as other aspects relating to social inclusion;

 b. activities working with men to address gendered issues within the law and justice sector should have greater emphasis, including work with men within law and justice agencies and work with perpetrators around masculinities, particularly with juveniles, in order to break cycles of FSV; and

 c. employing a thematic approach managed as a cross-institution/agency sub-project, with support from other Australian-supported activities (AFP, OPP/AGD).

Analysis of MEL

Design and ToC

As discussed above, the program's ToC is founded on two goals, underpinned by four outcome areas, with a specific programming outcome dedicated to ARoB (see Figure 1). The program is sector-led using an aid modality of annualised grants, which are ultimately decided and approved by the sector.

The nature of the ToC design has had substantial flow-on effects across the program. The EoPOs and IOs are widely considered to be aspirational and high level and have caused difficulties in terms of the program drawing a line from the various activities under each outcome area and demonstrating impact and achievement toward IOs and EoPOs.

It is QTAG's opinion that it is too late to renegotiate the ToC with the sector as any renegotiation must be done jointly between the program and the sector. To do so at this stage of the program would cause considerable disruption to current planning processes (for the 2019 calendar year) and leave an even shorter period within which to recalibrate the M&E to a new design.

The priority should now be conducting several qualitative research pieces and evaluations to inform the achievement of the IOs and to identify JSS4D contributions and lessons. There is an opportunity for this qualitative research to be structured in such a manner to inform the next iteration of JSS4D, should that be the course that DFAT chooses to adopt.

Structure of M&E

The M&E component of the JSS4D program has been allocated 10% of the overall program budget. However, for the two years 2016 and 2017 only PGK 554,390 (about 1% of that 10%) had been expended by the program on non-technical adviser inputs, although a large contract had been tendered for the community crime surveys. Due to delays at the start of the program, the program did not spend any of its budget for M&E in 2016, with the majority expended in the second half of 2017.[15]

The MERP builds upon at least 15 years of prior M&E effort including under PALJP and PALJP-TP. It states that the purpose of the M&E system is to:

- provide necessary information to facilitate strategic management decisions by DFAT, GoPNG, and the JSS4D team;
- provide information to assess progress against the Annual Plan and program outcomes;
- enable program participants, partners, and stakeholders to learn from JSS4D and to apply that learning;
- provide information to meet reporting requirements; and

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[15] Cardno (2017) *JSS4D Annual Progress Report 2017*.

- support accountability to the people of PNG and Australia about the use of program resources and the achievement of program outcomes.

The MERP was designed to be updated annually but due to Contractor difficulties in attracting and retaining an M&E adviser, it was only first updated in late July 2018.

JSS4D's Monitoring and Evaluation Framework (MEF) was developed in consultation with the sector's M&E Group and the SPGM as part of the annual planning process and forms part of the approved Annual Plan. It is structured to be aligned with both GoPNG and GoA principles and goals, as well as the law and justice sector's monitoring framework and processes and the program's own targeted outcomes. The MEF presents a set of M&E indicators and is structured around the program logic, the program's Annual Plan, and the evaluation questions.

Progress is monitored and evaluated at activity, intermediate, and program outcome levels. The MEF aligns with the sector's Performance Monitoring Framework, which monitors progress toward the goals contained in its Sector Strategic Framework and the GoPNG Medium-Term Development Plan 2, where appropriate.

Reporting

Public reporting of the program is primarily through DFAT. The program does not have its own dedicated website, but the work of the program is reported through DFAT's website under its development assistance in PNG.[16] The JSS4D *Investment Design* document is featured on this website, but the annual progress and planning reports are not. The program's work is also publicly reported through DFAT's social media pages.

The JSS4D program works with the law and justice sector, primarily through the NCM which comprises 11 statutorily independent law and justice agencies. These agencies have their own plans and priorities, with variable M&E commitment and/or capacity. In addition, these agencies operate under a sectoral framework. Few sector agencies publish their annual reports. The annual sector reports have not been completed for several years, which has hindered the program's ability to report from a baseline. Rather, statistics from PALJP-TP are often relied upon. In addition, the law and justice sector's M&E group is under-resourced, has limited M&E capacity, and is currently non-functional.

The JSS4D has an onerous reporting cycle comprising monthly adviser reports, six-monthly (previously quarterly) reports, and annual progress reports. Monthly situation reports are also provided to DFAT.

Advisers currently report monthly to their deputy team leader. The deputy team leaders and M&E team consolidate these reports for upward reporting to DFAT. QTAG is of the view that this should be the responsibility of the deputy team leaders as they have the inherent knowledge and understanding of the broader picture from which they can draw the 'story'.

Until late 2017, the program reported on a quarterly basis to DFAT. However, due to the reporting burden this schedule imposed on the Contractor, reporting has since occurred on a six-monthly basis. In addition, the program provides monthly 'situation reports' to DFAT. These have increased incrementally in size since the commencement of the

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[16] See https://dfat.gov.au/geo/papua-new-guinea/development-assistance/Pages/governance-assistance-png.aspx (accessed 20 October 2018).

program. JSS4D staff receive significant comments back from DFAT on these reports, which has led to a cycle of reporting, responding to comments, and reporting.

Although the program is producing a significant number of reports for DFAT, the content of these reports and their focus on an annualised approach using quantitative data are concerning. The burden of reporting has a significant impact on the workload of DFAT and JSS4D staff, which consequently impacts on their ability to focus on core content and restrains the ability of the program to adopt an adaptive management process. Respondents indicated that this was largely driven by DFAT requests and appreciation of the content of the reports. However, such a high demand for reporting impacts on the ability of Contractor staff to focus on program implementation. There is a need for DFAT to focus less on keeping across some of the minor details, allowing the Contractor to implement the program rather than spend its time tied up in reporting.

The Contractor and DFAT implemented several changes in reporting processes to reduce the reporting burden and better demonstrate implementation progress. The development of the June 2018 six-month and 2017 annual report involved an increased analysis of key results of activities completed as they related to the IOs, with related stories of change to highlight progress and challenges. Internal reporting tools (adviser workplans, activity manager report templates, and adviser report templates) were also revised to facilitate greater analysis of outcomes. Finally, in early 2018 internal reflection workshops, known as 'strengthening sessions', were introduced for advisers and deputy team leaders to better understand the link between their reporting processes and demonstrating progress toward the IOs.

QTAG is of the view that Contractor reporting to DFAT could be revised further along the following lines:

- Annual Report;
- Six-Monthly Report with brief activity descriptions but including more analysis against the IOs and less transactional/activity reporting, which can be included in the Annex M&E table;
- Reintroduce the Quarterly Report, with greater emphasis on covering one or two of the IOs in depth and/or including case studies demonstrating effectiveness and contribution; and
- Shortening the monthly situation reports to 10 pages on core activities with the key events, past and future, in a calendar annex.

Resourcing

The program has faced significant difficulties in resourcing M&E. The lead M&E adviser left the program in 2016 after the program's M&E response was first drafted. The program was effectively without an M&E adviser for a large part of 2017 (January–August). The Contractor attempted to fill the position three times, but due to different circumstances either the replacement did not mobilise or only stayed for a very short period.

Although 10% of the overall budget is allocated for M&E and the Contractor faced significant difficulties in recruitment and retention of M&E personnel, QTAG is concerned that the Contractor was not able to externally contract additional or temporary resources, or provide surge support, to fill the gaps. The Contractor notified QTAG that

difficulties in recruitment extended to securing bids for evaluation tenders, with even single-source approaches being unsuccessful.

Considering the program's difficulties in recruiting and retaining M&E staff, an M&E specialist was retained to provide short-term inputs toward the end of 2017, with full-time assistance commencing in 2018. However, the program was essentially without dedicated M&E staff for the whole of 2017. We query whether there was an opportunity for surge support from the Contractor's head office.

Several respondents indicated that it is difficult to attract M&E staff and tenderers to PNG. In part, this is due to the Aid Remuneration Framework, which does not differentiate according to location and allocate a 'hardship' factor to its remuneration framework. Second, and perhaps related to this, is the consideration a potential M&E adviser places on logistical support, living arrangements, and liveability for families who may accompany them. These two factors reduce the potential pool of M&E advisers who are attracted to apply for a position in PNG.

To address recruitment and retention concerns, consideration needs to be given to subcontracting arrangements with private suppliers, including joint arrangements with PNG and international companies. If fee-sharing is an issue in subcontracting, this should be discussed with DFAT.

Effectiveness

QTAG recognises that due to constraints in implementing the M&E component of the program, and the design of the ToC, it is difficult to draw a plausible line from the activities to the IOs and ultimately to the EoPOs. Several circumstances have contributed to this difficulty, including delayed execution of the Subsidiary Arrangement between GoPNG and GoA in 2016, design, staffing, and reporting issues.

The Contractor is required to use the DFAT table format for M&E purposes. Respondents indicated that this hinders the program's ability to draw out qualitative evaluation questions and renders the MEF highly quantitative. Feedback by DFAT on drafts of the MEF also emphasised an annualised, quantitative process.

The current MEFs are not structured against a set of M&E (performance) questions. Rather, a set of indicators has been used against the outcomes, which misses a critical step in ensuring the indicators answer performance questions about the outcomes. The MEF layout leaps straight to lists of indicators against the outcomes, presuming that one can aggregate or synthesise the indicators to measure progress toward the outcomes, which is not usually possible. This suggests that there has been insufficient work put into negotiating performance questions to ensure that the plan can meet information needs. Only recently was a proposed qualitative research program developed but this has yet to be implemented and is likely to be unachievable in the next 14 months.

Until recently, there were no defined evaluations to measure progress toward outcomes. This is a significant deficit. QTAG would expect to see a funded pipeline of specific evaluations listed, structured against important and outcome-related evaluation questions to collect relevant evidence to demonstrate progress toward outcomes. After the completion of the in-country phase of this review the evaluation and research plan has been revised and deemed achievable by the Contractor and DFAT. Although the MERP has a list of seven key evaluation questions, these are not connected to a pipeline

of evaluations. There are program-level evaluation questions but no specific performance questions. To date, there has been a strong focus on quantitative data with qualitative data largely absent.

Although a limited number of evaluative studies have been undertaken to date, some evaluative work has been carried out by the program in 2018. The PNG Community and Business Perceptions of Crime and Safety research methodology was finalised in February 2018, with data collection conducted from March to June. The final report has been completed with findings presented to the sector on 9 October 2018. Other evaluative work has included a joint assessment by the ARoB law and justice sector and program staff of the VC system in ARoB to inform future planning and management, as well as a review of the FSV Toolkit and Train the Trainer program to refine and improve the initiative before undertaking wider implementation.

The targets in the MEF have been derived from PALJP and PALJP-TP. As such, increasing inputs or the number of persons trained by the program became the 'target', which did not demonstrate the impact required to link to the IOs. For example, the source of training data for Outcome 3 is from PALJP-TP training statistics, July 2014 to November 2015.[17] PALJP-TP training statistics are also used as the basis for VC training.

Due to difficulties in implementing the M&E component of the program, in October 2017, an M&E specialist was deployed by DFAT with a view to assisting the Contractor to meet their M&E requirements. The DFAT specialist considered that the best approach would be to review the program logic so as to decrease the gap between the indicators and the IOs. Contractually, any program changes are required to be undertaken by the Contractor in conjunction with the sector. Both the Contractor and the AHC considered that to undertake a full revision of the program logic would have been a substantial and time-consuming piece of work. Moreover, considering the delays in the commencement of the program, a major revision of the program logic was considered problematic.

As a result of discussions with DFAT, in February 2018 the Contractor proposed an MEF with qualitative and evaluative questions in alignment with best practice. The revised version of the MEF contained content in the form of questions directed at drawing out qualitative data. This was questioned by DFAT as to whether the revised content would draw out sufficient evidence to show progress toward the IOs and EoPOs. DFAT queried the extent to which baseline data were related to targets, and whether targets would effectively measure progress toward indicators and outcomes. Feedback by DFAT also emphasised an annualised, quantitative process. It was also agreed that the Contractor would revise the MERP to provide more details on the evaluations that were to be undertaken addressing the EoPOs and IOs. This draft was not ready until August 2018.

The inclusive nature of the consultations, revisions, and feedback on the MEF meant that the process was protracted and time-consuming for all parties. The MEF was stripped back to quantitative matters with the expectation that a clearly defined and agreed set of evaluative studies would be contained in the MERP, to be undertaken in the last year and a half of the program. No further revisions have been made to the MEF since. As a result, the program's M&E component is largely quantitative, and the qualitative data needed to draw a plausible line to the IOs are missing. In 2018, the Contractor compiled a set of

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[17] Cardno (2017) *JSS4D Annual Progress Report 2017*, Annex 5.

evaluative questions to fill the missing data gap. However, there are serious questions as to whether these evaluations are achievable in the remaining timeframe.

The Risk Management Matrix reflects the risks and associated ratings developed with the SPGM and sector representatives and forms part of the program's Annual Plan. The matrix identifies risks external to the program, including governance arrangements, the sector-led emphasis of the program, changes in key relationships, geographical, logistical, cultural, and social factors, the GoPNG economy and political environment, changing GoA/GoPNG aid policy, and intra-GoA program coordination. However, over the course of the program, the matrix has not been updated to reflect additional or changing risks, such as the upcoming APEC summit. The Contractor maintains and updates an internal risk matrix that is not shared with DFAT but addresses internal issues such as staffing.

Learning

The deficits in the M&E component of the program have had a significant impact on the program's ability to adopt an adaptive management approach and allow for a continued learning process.

The incorporation in early 2018 of a 'strengthening session' as part of the internal six-monthly reporting process is evidence of some recent reflection and adaptation approaches. These sessions aim to assist deputy team leaders in streamlining adviser reports in the upwards M&E reporting process and better understand the link between reporting and IOs. The program has placed an increased focus on M&E and analysis of data to capture, analyse, and report at the adviser, activity, and program level. This was also a focus of the M&E and reflection workshop in April 2018 and continues to be a priority for the program.

Despite this, reflection and adaptation approaches are not at the levels required by the design. Rather, the focus has been on implementation of the Annual Plan. The deputy team leader position descriptions contain appropriate key activities on providing high-level analysis, developing a sector strategy, adopting innovative approaches, and engaging in cross-aid program coordination. However, QTAG questions the extent to which they can adopt this approach given their high workloads and reporting requirements.

Further, any reflections and learnings undertaken by the program are largely internal processes and do not include external counterparts or stakeholders.

RECOMMENDATIONS ON MEL

21 The Contractor urgently informs DFAT regarding its proposal to resource MEL to fulfil its contractual functions, in particular the completion of a program of work to report on its achievements of the program's outcomes and Australia's contribution.

22 For the remaining 14 months, DFAT and the Contractor:

    a. retain the 2018 and 2019 annual report;

    b. reintroduce quarterly reporting in lieu of the six-monthly reports, with a focus on outcome analysis rather than activity reporting; and

      c. use the monthly situation analysis reports (10 pages maximum) for activity reporting, including a single page annex of key upcoming events.

23 The Contractor ensures that the consolidation of adviser reports upwards into the M&E reporting process should be the responsibility of the deputy team leaders as they have the inherent knowledge and understanding of the broader picture from which they can draw the 'story'.

24 The Contractor prioritises implementation of the now-agreed suite of qualitative research and evaluations that are achievable in the remaining timeframe, to inform the achievement of the IOs and to identify JSS4D contributions and lessons. This qualitative research should be structured in such a manner to inform the next iteration of JSS4D.

25 DFAT ensures that the EoPOs and IOs in any future program are achievable and measurable to make it possible for the program to draw a line from the various activities under each outcome area and demonstrate impact and achievement toward IOs and EoPOs.

26 The Contractor ensures that resourcing for M&E is available, in the form of surge support from head office and subcontracting arrangements with private suppliers, including joint arrangements with PNG and international companies. If fee-sharing is an issue in subcontracting, this should be discussed with DFAT.

27 Any future iterations of the MERP should ensure that the set of key evaluation questions is connected to a pipeline of evaluations, incorporating both program-level and performance questions.

Next phase

Lessons learned

Building on Strengths: An Evaluation of Australian Law and Justice Assistance [18] was the result of an evaluation of almost 20 years of GoA assistance to law and justice. It is widely accepted within DFAT that this evaluation still provides high-level and relevant guidance. The evaluation made nine recommendations. The following table correlates the recommendations to the QTAG observations of JSS4D:

2012 ODE Law and Justice Recommendations (summary)	JSS4D experience
1. **Setting objectives:** adopts more modest and specific goals, based on analysis of what is achievable in the political, economic, social, and geographical context.	The JSS4D design outcomes were overly ambitious. There was no line of sight from the activities to the outcomes. The 'middle' was missing in the ToC.
2. **Capacity-building strategies**: That Australia avoids working toward idealised institutional forms or offering standardised packages of support. Instead, it should take existing law and justice services and the financial constraints within the recipient countries as its starting point and support incremental improvement, building on the strengths of existing providers. To maximise its impact, Australia should take a multi-dimensional approach to promoting institutional change, using top-down capacity building in combination with service delivery, problem-solving, and thematic approaches.	JSS4D has done reasonably well in this regard. The whole government is financially constrained, while the program has provided some replacement recurrent budget. However, for the community justice and FSV outcomes areas this was the only option. The program has done well working with existing local providers. The recommended top-down approach with service delivery can be further developed when implementing the transformation plans in Magisterial Services, Correctional Services, and the OPS. QTAG strongly endorses a thematic approach for the next phase of JSS4D.
3. **Cross-cutting issues:** That Australia gives higher priority to addressing violence against women within its law and justice assistance, helping to develop services and law enforcement approaches better suited to the needs of women.	For JSS4D this is a major success. With others, including AFP support, it is leading the way in supporting survivors seeking justice. Demand for services in increasing. Consolidation in the next phase of JSS4D is essential, especially around enforcement of laws and to bring serious cases in Lae and Port Moresby to court.
4. **Development of justice systems:** That Australia looks for opportunities to promote collaboration on specific, substantive issues, rather than on aid management, when seeking to address fragmentation in the law and justice sector. Programmatic assistance is appropriate only	This is a weakness for JSS4D and DFAT. Partially due to the breakdown in relations at the beginning of JSS4D, ongoing collaboration between DFAT/AHC and the sector through the NCM has not been at the level it should be. The sector has genuine leadership and a willingness to work collaboratively with DFAT.

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[18] AusAID, Office of Aid Effectiveness, Canberra, December 2012.

2012 ODE Law and Justice Recommendations (summary)	JSS4D experience
where genuine country leadership is in place and institutionalised.	
5. Transition from stabilisation to development: That Australia plans its stabilisation and development efforts in post-conflict situations in parallel, rather than sequentially, to enable better management of the inevitable tensions between the two phases. […] Longer-term development efforts should focus on restoring law and justice services to pre-conflict levels and building them up in a sustainable way, paying particular attention to long-term recurrent costs and their affordability.	DFAT support to law and justice in ARoB is appropriately focused at this point in time. There are opportunities for greater collaboration with the governance partnerships' focus on income generation, supporting reconciliation, and good governance. The ODE evaluation caution on affordability of the justice system is apposite given the potential for the ARoB to call down functions.
6. Whole-of-government delivery: That whole-of-government delivery of law and justice assistance is preserved, and its effectiveness ensured.	The ODE recommendation is extensive with recommendations for DFAT and partner agencies. JSS4D and AHC have not focused on this critical element, starting with high-level policy dialogue based on evidence and analysis.
7. Sustainability: That Australia considers whether there is a case for providing long-term financial and technical support in small Pacific Island states to support basic law and order capability and for the more advanced functions needed for effective international law enforcement cooperation. If so, it may be appropriate to move away from short-term project cycles to more sustainable delivery arrangements.	This recommendation has relevance to PNG for in-line advisory in policing and support for the OPS. It also has relevance for assisting PNG to comply with its international anti-corruption and anti-money-laundering obligations.
8. Scaling up: That Australia takes a gradual approach to scaling up its law and justice programs, based on proven successes, avoiding investments that might distort institutional development and national resource allocation.	JSS4D in its next phase is well positioned to scale up some JSS4D activities and refocus others, provided a set of tailored evaluations and research is conducted across the outcome areas to inform the design of the next phase.
9. Results management: That AusAID's Law and Justice Unit invests in developing more detailed guidance for results management in law and justice programs. It should increase the level of technical support available for advisers and program managers in country posts. It should ensure that M&E expertise is included in all design teams and should play an active role in quality assuring the design of results frameworks. Results frameworks should track country-level results, project outcomes, and management data, using quantitative and qualitative data, to enable a more holistic picture of the results of Australian law and justice assistance to emerge. Projects should, as far as possible, align with counterpart monitoring systems, making sure that investments in monitoring data are also useful to counterpart institutions, and making efforts to demonstrate to counterparts the practical value of quality results data.	Quantitative data collection and analysis by the program is very good but qualitative data at this stage are non-existent. JSS4D has the plans and resources to undertake this work but time is of the essence. The MEF does not give a holistic picture of the results of JSS4D. The original MERP did but it was not implemented fully. There is very little linkage between the sector or agency data sources or reporting and JSS4D. In QTAG's view, a priority for the next phase is to strengthen agency and sector reporting and the collection of quality data in the agencies. Although this will result in additional indicators, and fewer data sources, it will substantially improve sector baseline reporting.

The conclusion from the above is that, with a few key improvements, JSS4D is reasonably well placed to provide a foundation for a new program.

Platform for a future program

There are some solid elements within JSS4D for a future tighter development program based upon the JSS4D activities and achievements. The coherence with the L&J sector and its experience of working with the GoA (and with GoPNG) as a sector since 1999 is a positive factor. QTAG will provide options to DFAT on the available pathways.

The objectives and high-level outcomes for the next stage

The next phase of JSS4D has to have IOs and EoPOs that, while being aspirational, are achievable. While it is not QTAG's task to design that phase, it believes that outcomes, possibly around an access to justice theme, can be derived from JSS4D:

- survivors of FSV being able to access referral pathways for medical treatment, seeking the protection of the courts, obtaining redress for violence including the conviction of offenders, restorative justice, and mediation under the 2013 FPA;
- juveniles, some convicted of the most heinous crimes, accessing the rights under PNG and international law;
- increasing access to VCs and land mediation, funded by government, that operates fairly;
- provinces and district administrations facilitating better access to the services of the formal justice agencies by actively coordinating services locally;
- enhanced access to law and justice services in ARoB contributing to peace and security;
- formal justice agencies such as Correctional Services, OPS, and Magisterial Services supported by implementing their transformation plans to enhance access to justice for vulnerable and marginalised citizens;
- increasing access to justice for women, children, and persons with disabilities;
- enhancing internal law and justice agencies' anti-fraud and corruption initiatives and increasing the public trust in those agencies;
- increasing access to information, laws, and rights;
- reducing physical barriers to accessing facilities and services; and
- enhancing accountability in the sector by improving timely sector and agency reporting on key outcomes and strengthening sector coordination.

A thematic approach

Traditionally, law and justice assistance has been structured around sector agencies. To some extent, JSS4D has moved away from this. QTAG envisages that the next phase of the design could focus on:

- community justice and safety;
- FSV;
- juvenile justice;
- fraud and corruption;

- equal services directly related to providing services for the most vulnerable;
- ARoB; and
- a set of activities mutually agreed by DFAT and the NCM to implement select parts of the Lae Summit recommendations and the Medium-Term Development Plan 2018–2023 such as professional training, enhancing service delivery at local levels by strengthening organisational capacity to seek recurrent, staff, and development resources from government, and strengthening coordination.

Under a thematic approach, agencies' bids for JSS4D funding would target the theme and the contribution they could make to achieving the jointly agreed outcome.

PNG sector priorities

The PNG law and justice sector believes that the *2000 Law and Justice Policy and Plan of Action* remains relevant to frame sector priorities and development assistance.

The August 2018 Law and Justice Summit priorities were as follows:

1. Improving our understanding of the level, causes, and effects of criminal behaviour in PNG.
2. Improving, supporting, and coordinating existing law and order government functions and interventions to reduce or prevent criminal behaviour.
3. Encouraging, supporting, and coordinating church, faith-based organisations, development partners, and non-government organisations' initiatives and programs on crime prevention.
4. Encouraging and supporting community participation in crime prevention.

The Medium-Term Development Strategy 2018–2023 has the following seven GoPNG priorities (summarised), some of which fit into the access-to-justice framework based on JSS4D's success that QTAG recommends for the next phase of JSS4D:

1. Strengthen the sector coordination mechanism, information, and communications systems;
2. Increase training programs and recruitment for police, judges, magistrates, probation officers, etc.;
3. Develop crime-prevention strategies;
4. Infrastructure development;
5. Operate community corrections (rural lockups) in all districts;
6. Review and update laws and ensure compliance; and
7. Increase the number of magistrates and judges to reduce case backlogs.

The implementation of the Medium-Term Development Strategy 2018–2023 and the recommendations of the Lae Summit are examples of where the two governments, through the NCM and other opportunities, should be engaged in high-level policy dialogue.

Unfortunately, during the transition to JSS4D, for reasons not relevant to this review, the NCM/DFAT regular engagement broke down. Previously, DFAT had a seat at the NCM table as an observer to discuss law and justice issues generally, Australia's total law and justice assistance (including those aspects outside of the programs), and program development and implementation. Of course, there were GoPNG issues to be discussed by the NCM without an Australian presence, and this was always accepted and appreciated as the NCM is a GoPNG mechanism, not an aid program mechanism. Nonetheless, given that the Medium-Term Development Strategy 2018–2023 has as a priority strengthening sector coordination and enhanced aid effectiveness it is an appropriate time, in QTAG's view, for GoPNG to invite DFAT to join the NCM meetings as a participating observer on matters of mutual interest to the two governments and program management.

It is not DFAT's responsibility to support the LJSS. However, there is the opportunity for DFAT through JSS4D now, and in a future program, to support LJSS in terms of:

- enhancing the effectiveness of the NCM and LJSS to coordinate implementation, monitoring, and reporting of the Medium-Term Development Strategy 2018–2023 and other law and justice priorities;
- completing an economic analysis of financial support to the law and justice sector from all sources over the last 15 years, which would provide background for policy dialogue and increase resource allocation effectiveness; and
- improving agency and sector monitoring, analysis, and reporting.

QTAG observes that the effectiveness and sustainability of the LJSS would be significantly enhanced if it was made a directorate under DJAG reporting directly to the Secretary, as was endorsed by the GoPNG cabinet in the 2007 White Paper.

Positioning of all Australian assistance

The design of a next phase for JSS4D will need to take into account the GoPNG request for future support for policing, support under IPP for the OPP, and the twinning arrangement with the OC.

Currently, there is excellent cooperation among these components, largely organised informally by advisers. In the future, there would be advantages in documenting simple protocols describing who is doing what and how each component complements each other. A regular meeting at team leader level would further enhance coordination.

Some specifics on implementation

QTAG recommendations for future assistance, including the following:

- tighter criteria agreed with the NCM for GoA assistance, based around access to justice;

- managed under the NCM through a sector-led demand approach with significantly greater PNG/Australia policy dialogue at the NCM table;
- stronger linkages with decentralisation and community development initiatives;
- resisting the moral pressure to fund something for everyone and recognising that there are many needs in PNG but that not all should be funded by a donor;
- assuming core policing support to RPNGC is with the AFP, a new phase of JSS4D should provide complementary support (e.g. prosecution advice specifically for FSV cases at Lae and Boroko police stations);
- greater engagement with the extractive industry community development initiatives seeking significant funding for implementation with JSS4D and agency advisory services;
- careful analysis of implementation capacity and the sustainability features of a new program of support, with sustainability needing to be raised to a higher level in activity acceptance;
- supporting NCM, the LJSS, and agencies to improve agency and sector reporting and accountability, policy conversations at the NCM table, and sector submissions to government for resources;
- on the priority provinces, QTAG understands the history of the creation of the priority provinces and the need to 'ring-fence' the program's scope. However, this is potentially not a valid approach for national activities such as FSV, juvenile justice, and Magisterial Services support where certain conditions exist. For example, in relation to FSV, support could go outside the six provinces where: (a) a RPNGC FSVU is established; (b) the Sexual Offences Squad has resources; and (c) it is assessed that the local partners are willing to contribute to the prosecution of cases. Potential exists to expand current locations gradually, by introducing successful approaches for community justice.

Community safety and justice services

The current JSS4D support for enhanced provincial coordination should continue and be expanded cautiously. Whether it needs full-time advisers in new provinces is an open question. The proposed evaluation will answer the question of why some approaches from JSS4D and previous programs have been successful and can be sustained.

Support for juvenile justice can be expanded in coordination with the Department for Justice, provinces, churches, civil society, and UNICEF.

However, for VCs and land mediation the current direct intervention approach should be reduced, with GoPNG and sub-national governments taking greater responsibility for funding service delivery support services. Enhancing provincial coordination and supporting the rollout of the new juvenile justice law and policies could be enhanced.

FSV and GESI

While progress on FSV has been significant, work to date needs to be sustained and the criminal justice aspects need more targeted intervention to overcome barriers (including police front-counter operations, production of witness statements and medical evidence, hand-up briefs for committal court, enhanced prosecution capability, and increased judicial awareness of the law through to trial).

JSS4D is a very good platform, with increased evidence collecting and data analysis, from which to adopt an explicitly gendered thematic approach in a next phase of the program. DFAT support can come in behind government, the NCM, law and justice agencies, church, civil society, and other Australian agencies to help them cope with the increased demand for services, improve responsiveness, strengthen deterrence, and achieve better outcomes for survivors.

Enhancing anti-corruption initiatives

There is appetite among DFAT and the sector for an expanded fraud and anti-corruption component of the JSS4D program. However, substantial budgetary increases will be required to ensure a comprehensive anti-corruption component of any future programming. In order for anti-corruption efforts to be effective, QTAG believes that the state needs to build citizen trust that corruption will be addressed. The capacity of anti-fraud and corruption agencies needs to be scaled up, along with any increases in messaging to be able to respond to increased demand and to prevent citizens becoming disenchanted by the system.

Improvement in case management systems can lead to the improved functioning of the court system or prison administration, as well as accountability and transparency. Focusing on areas in which cash flows, such as payroll, can assist in preventing asset misappropriation fraud. In coordination with AFP and RPNGC, JSS4D could examine possible ameliorative measures through the implementation of some of the recommendations of the 2011 Deloitte Integrity review of the RPNGC. Supporting law and justice agencies to publish annual reports also contributes to accountability and transparency. Other initiatives that can promote transparency include ensuring access to relevant and current legislation and case law.

JSS4D should continue to strengthen the prosecution (through the OPP) by supporting initiatives designed to hone investigative skills and administrative capacities through training, workshops, or education exchange programs. This should be done in coordination with support provided through the AGD. QTAG also recommends that support be provided to the prosecutorial services within the RPNGC in coordination with the AFP. In addition, the financial ability to call upon expert witnesses is highly important. Support to the OC is highly regarded and should be continued in a flexible manner to come in behind the IPP.

Support for civil society actors such as Transparency International PNG is also important. However, care must be taken to ensure this support is strategically aligned with the program's outcomes and objectives. Other strategies to ensure oversight and accountability may include developing research capacities, enhancing skills for investigative journalism and human rights reporting, and involving civil society in the establishment of access-to-justice indicators and baselines.

PNG remains under close scrutiny from international and domestic peers in regard to its efforts to counter money-laundering and terrorism financing. GoA supports law and justice assistance in this area through the AFP, the AGD, AUSTRAC, and the Commonwealth Ombudsman. It is important that this support is mapped out so that the JSS4D program can play a complementary role to building on the anti-money-laundering/counter-terrorism financing work.

Law and justice services

Elements of the organisational reform program should continue. However, a programmatic approach that enables planning over several years rather than an annualised approach would be beneficial. Such an approach would assist the implementation of organisational reform efforts such as the development and rollout of the District Court Bench Book.

QTAG recommends that JSS4D should continue to work with Correctional Services on building its capacity to implement the review of corrections in PNG. The issues facing Correctional Services are significant and the funding needs for infrastructure and facilities immense. The Correctional Services Commissioner has established a team to implement the review recommendations under a 14-point transformation plan for the period 2018–2022. DFAT/JSS4D assistance can follow Correctional Services leadership. The situation in ARoB is different as there is no permanent working prison facility other than the very poor infrastructure at Beikut. DFAT, ABG, and GoPNG should continue discussions on the need for a permanent correctional facility in ARoB.

QTAG has identified juvenile justice as a core thematic area for expansion within the JSS4D program. The position of children and young people in relation to access to justice requires particular consideration. Additional interventions are necessary to strengthen rule of law efforts specifically in terms of justice for children. These include the following:

- Building the knowledge base on children in justice systems (formal and informal). Data collection and analysis is a key element in the development of children's justice programs. Building on the work of the paper-based occurrence book at Boroko is a good example.
- Promoting the establishment of a juvenile justice system in line with international norms through supporting the implementation of and training on the *Juvenile Justice Act 2014* and the Juvenile Justice National Plan.
- Supporting the establishment of restorative justice, diversion, and alternatives to deprivation of liberty that promote the child's reintegration into society in line with the principle of deprivation of liberty as a measure of last resort. Use of diversionary programs should be emphasised and the use of custody reduced for minor crimes.
- Enabling the full involvement of the social sector in justice-for-children issues and strengthening coordination between social and justice sectors.
- Assisting GoPNG's ability to prevent crimes against children and to detect, investigate, and prosecute offenders. As drug and alcohol management was identified as a core priority area by the sector in 2018, this could be a focus area for crime prevention.
- Promoting child-sensitive procedures and methods that ensure the child's participation in judicial, administrative, and community-based processes.

ARoB

The changes recommended for JSS4D more generally apply in the ARoB program, together with the specific recommendations for the ARoB investment.

Given the size of the JSS4D investment, and the much larger Governance Partnership contribution, there may be merit in DFAT considering a joint evaluation of its contribution through these two programs. Safety, security, and governance are inextricably linked, especially in the post-conflict situation ARoB faces. The shape of such an evaluation will be informed by the Second Review of the Autonomy Arrangements currently being undertaken under the constitutional arrangements and due in late 2018.

RECOMMENDATIONS ON NEXT STEPS

28 DFAT should immediately commence design work for a next JSS4D program phase based around access to justice forming a more focused underlying ToC than JSS4D, using the current suite of activities and outcomes as the core structure.

29 In 2019, JSS4D:

    a. Supports LJSS to complete an economic analysis of financial support to the law and justice sector from all sources over the last 15 years, as well as likely requirements for the next five years. Such an analysis can provide background for the next phase and policy dialogue, as well as increasing resource allocation effectiveness.

    b. Supports LJSS to develop an implementation plan for the Medium-Term Development Strategy 2018–2023 and advises DFAT on those aspects that are appropriate for Australian support.

Annex A   List of interviewees

Given name	Surname	Position	Organisation	Sex
NCM: Law and justice sector constitutional office holders and department heads				
Elliakin	Nerrie	Chief Magistrate	Magisterial Services	F
Injia Kt CGL	Sir Salamo	Chief Justice	National & Supreme Court	M
Kalinoe PhD OBE	Dr Lawrence	Secretary	Department of Justice	M
Kaluwin	Pondros	Public Prosecutor	OPP	M
Kwa PhD	Eric	Secretary	Constitutional Law Reform Commission	M
Mamu	Leslie	Public Solicitor	OPS	M
Moguish	Pauline	Director	Legal Training Institute	F
Waipo	Michael	Commissioner, Correctional Services	Correctional Services	M
Law and justice sector working group / SPGM				
Geno	Sam	Director	LJSS	M
Kae	Mirriam	Director, Corporate Services	OPS	F
Kila	Gerega	Director, Corporate Services	Magisterial Services	M
Kove	Mirriam	Director, Corporate Services	OPS	F
Metio MBE	Benjamin	Deputy Secretary, Corporate	Department of Justice and Attorney General	M
Molita	Joseph	Secretary	OC	M
Mosoro	Nichodemus	Deputy Secretary, Justice Administration	Department of Justice and Attorney General	M
Pokanis	Stephen	Deputy Commissioner	Correctional Services	M
Taumpson	Michelle	Director, Policy Planning & Development	Constitutional Law Reform Commission	F
Law and justice sector agency managers and staff				
Ali	Robert	Director, Internal Affairs	Royal PNG Constabulary	M
Asu	Vincent	Senior Officer	VCLMS	M
Dickson	Wesley	Principal Legal Officer	OPS	M
Ganai	Tracey	Senior Magistrate	Magisterial Services	F
Hanua	Karo	Appointments Officer	VCLMS	F
Irung	Melissa	Senior Payroll Officer	VCLMS	F
Kaipu	Andrew	Public Prosecutor	OPP	M
Kasa	Natasha	Senior Legal Officer, Advisory	OPS	F
Kalaut	Sylvester	Assistant Commissioner, Police (HR)	Royal PNG Constabulary	M
Ken	Justin	Regional Liaison	VCLMS	M
Kulanawi	Kerrimay	Coordinator Training	VCLMS	F
Keris	Peni	Director	Village Courts Secretariat	M
Magaru	Dessie	Deputy Chief Magistrate	Magisterial Services	F
Mangae	Joab	ACP Corporate Planning	Royal PNG Constabulary	M
Mauta	Vasati	Deputy director	Legal Training Institute	F

Roalakona	Helen	Senor State Prosecutor	OPP	F
Sakap	Colin	Acting Director	DJAG, Juvenile Justice Services	M
Tapat	Jimmy	Senior Provincial Magistrate, NCD	Magisterial Services	M
Tomar	Dominic	Planning Adviser	LJSS	M

Port Moresby: Government, civil society, and other informants				
Andrew	Marjorie	Deputy Director	Institute of National Affairs	F
Avaisa	Elisabeth	Senior Project Officer	Institute of National Affairs	F
Dano	Asefa Tolessa	Chief - Child protection	UNICEF	M
Gola	Agatha	Clinical Nurse, Family Support Centre	Port Moresby Hospital	F
Gomara	Velena	Victim Support	Salvation Army	F
Guina	Dickson	Secretary	Department of Provincial and Local Government Affairs	M
Haihuie	Yuambari	Policy and Advocacy Manager	Transparency International PNG	M
John	Robert	Assistant Secretary	Department of National Planning & Monitoring	M
Nanai	Dorothy	Counsellor	NCD Welfare	F
Kassman	Arianne	Executive Director	Transparency International PNG	F
Theodore	Ben	Chairman	Persons with Disability Board (PNG)	M
Tickle	Richelle	Manager	Pacific Women Shaping Development	F

Canberra informants				
Dinnen	Sinclair	Senior Fellow	Australian National University	M
Forsyth	Miranda	Research Fellow	Australian National University	F
Walton	Grant	Fellow	Australian National University	M

Lae, Morobe Province, sector and civil society informants				
Ason	Ruben	A/Provincial VC Coordinator	Department of Justice and Attorney General	M
Bazzinuc	Robin	Deputy Provincial Administrator	Morobe Provincial Administration	M
Bebinaso	Bohage	MPA External Agencies	Morobe Provincial Administration	M
Boski	Emily	Coordinator, Child and Family	DCD Morobe Province, Lae	F
Condon	Ben	Sergeant	Australian Federal Police	M
Dengi	Michael	Counsellor	Salvation Army	M
Done	Joel	Public Prosecutor	OPP	M
Donoghue	Samantha	Detective Sergeant	Australian Federal Police	F
Harou	Shiela	Deputy Provincial Administrator	Morobe Provincial Administration	F
Hurrell	Don	Adviser	JSS4D	M
Ilave	Denga	Operations Manager	FemiliPNG	F
Impambonj	Bart	Provincial Administrator	Morobe Provincial Administration	M
Kimbing	Kiun	Community Development in Charge	Morobe Provincial Administration	M

Kitoria	Harvey	MPA External Agencies	Morobe Provincial Administration	M
Kukari	Desmond	Deputy OIC, Naewab District	Morobe Provincial Administration	M
Kwam	Shirley	Acting Juvenile Justice Officer	Community-Based Corrections	F
Mael	Raymond	Coordinator	Erap Boys Town	M
Maliaki	Salome	Office of the Solicitor General	Department of Justice and Attorney General	F
Miroi	Leonie	Public Prosecutor	OPP	F
Murphy	Paul	Australian Consul, Minister Counsellor	DFAT	M
Murup	Ruth	OIC FSVU	Police, Lae Metro	F
Nomane	Felix	Commander	Correctional Services (Buimo Prison)	M
Rimbao	Cathy	Public Relations	Police, Lae Metro	F
Ringwaku	Cedric	Executive Officer Land Mediation	Morobe Provincial Administration	M
Sauong	Nick	Clerk of Court/Assistant Registrar	Magisterial Services, Lae District Court	M
Tame	Wendy	Safe Haus Manager	City Mission, Lae	F
Tapil	Pious	Senior Provincial Magistrate	Magisterial Services	M
Tubian	John	Secretary	Provincial Executive Council	M
Tukavai	Mary	Senior Probation Officer	CBC/Probation Services	F
Wafi	Fiona	Lawyer	OPS	F
Wakon	Anastasia	Sister In Charge	Family Support Centre, Angau Hospital	F

Buka, ARoB, sector and civil society informants				
Dentana	Linda	Senior Probation Officer	Community-Based Corrections	F
Dukaduka	Godwin	Acting Superintendent of Operations	BPS	M
Gabina	Alice	Regional Manager	OC	F
Garasu	Sister Lorraine	Director	Nazareth Centre	F
Kakarouts	Mana	Secretary for Community Development	ABG	M
Korikai	Ismael	Director Village Court	DRCSJ	M
Korto	Medley	Director	Community Development	F
Nanei	Kearnneth	Secretary for Justice	ABG	M
Nawes	Jenny	Instructions Officer	OPS	F
Nobetau	Joseph	Chief Secretary	ABG	M
Optima	Pais	Justice Policy Officer	ABG	M
Palmer	Pat	Deputy Team Leader, ARoB	JSS4D	M
Tasikul	Bruce	Senior Provincial Magistrate	Magisterial Services	M
Titus	Agnes	Senior Counsellor	Nazareth Centre	F

Popondetta, Northern Province, sector and civil society informants				
Bose	Apolosi	Community Safety Adviser, Northern	JSS4D	M
Biaga	Teddy	Superintendent	Correctional Services	M

Biaga	Rebecca	Welfare Officer	Correctional Services	F
Cuthbert	Gretel	Member	Women's advocacy group	F
Donald	Moses	Member	Steering Committee for Provincial Youth	M
Eriba	Silas	Intern	JSS4D	M
Gegera	George	Probation/parolee		M
Gwae	Tako	Deputy Provincial Administrator	Oro Administration	M
Iagoru	David	Provincial Village Court Officer	Department of Oro	M
Kaki	Redlich	Provincial Liaison Officer (VC/LMS)	DJAG, VCLMS	M
Kanari	Betty	OIC FSVU	Police	F
Kaukesa	Damaris	Intern	JSS4D	F
Kendi	Emily	Member	Steering Committee for Provincial Youth	F
Kosote	Switala	Member	Steering Committee for Provincial Youth	F
Mesmin	Leonard	Senior Provincial Magistrate	Magisterial Services	M
Moi	Paulus	Parolee	Parolee, Tutor at Oro Applied Business Training Institute	M
Nagi	Christine	Officer in Charge	National Court (NJSS)	F
Ninau	Wep	Juvenile Officer	DJAG, CBC	M
Orere	Maxine	Probation/parolee		F
Porari	Veronica	Member	Women's advocacy group	F
Rorusa	Wayne	Member	Steering Committee for Provincial Youth	M
Sare	Christyah	Intern	JSS4D	F
Surute	Robyn	Senior Probation Officer	DJAG, CBC	F
Tamania	Gilda	Member	Women's advocacy group	F
Wally	Shalana	Intern	JSS4D	F
Warika	Sandy	Member	Women's advocacy group	F
Wasiripa	Prosaphine	Member	Women's advocacy group	F
Wayarum	Euphimia	Member	Women's advocacy group	F
Female prisoners & remandees			Correctional Services	F

AHC, Port Moresby				
Butcher	Kate	Gender Adviser/Consultant	AHC	F
Davis	Bruce	High Commissioner	AHC	M
Egan	Andrew	Minister Counsellor – Governance	AHC	M
Fitch	Cat	Minister Counsellor – Legal	AHC	F
Francis	John	Second Secretary	AHC	M
Gaiyer	Caroline	Assistant Program Manager, Law & Justice	AHC	F
Gow	Alison	Second Secretary	AHC	F
King	Brooke	Senior Legal Policy Officer	AHC	F
Olewale	Ire	Senior Program Manager, Law & Justice	AHC	F

Ofasia	Evelyn	Program Manager, Law & Justice	AHC	F
Sambre	Albert	Program Manager	AHC	M
Wilson	Gina	Counsellor	AHC	F

DFAT Canberra				
Akmeemana	Saku	Governance Principal Specialist	Governance, Fragility & Water Branch	F
Nixon	Nicola	Director	Law and Justice	F
Ayo	Roger	Senior Policy Officer	Law and Justice	M
Bayley	Scott	M&E Principal Specialist	DFAT	M
Boddington	Sarah	Director	Governance	F
Chudleigh	Benita	Executive Officer	Governance	F
Dixon	Caitlin	Desk Officer	ODE	F
Fennell	Peter	Former Acting Counsellor AHC PNG	DFAT	M
Futol	Kristian	Assistant Director, Anti-Corruption	Law and Justice	M
King	Geoff	Director	PNG Branch	M
Leggett	Michael	Director,	Fragility & Conflict	M
Mason	Anthony	Assistant Director	PNG Branch	F
McCraken	Lisa	Assistant Director	PNG Branch	F
Noble	Jennifer	Director, Strategic Evaluations	Office Development Effectiveness	**F**
Parkinson	Katherine	Policy Officer	PNG Branch	F
Pearce	Bernie	Assistant Director	Fragility & Conflict	M
McLennan	Scott	Assistant Director	Governance Section	M
Pridannikoff	Tanya	Assistant Director	Law & Justice	F
Wilkinson	Kim	Trainee	Law & Justice	F
Wilson	Michael	Assistant Secretary	Governance, Fragility & Water Branch	M

GoA advisers in agencies, Port Moresby				
Bannister	Paul	Adviser, OPP	Attorney General's Department	M
Folpp	Rees	Detective Acting Superintendent Adviser	Australian Federal Police	M
Harris	Michelle	Sergeant Adviser, Boroko Police Station	Australian Federal Police	M
McPhee	Paul	Adviser, OPP	Attorney General's Department	M
Meldrum	Daryl	Adviser, Boroko Police Station	Australian Federal Police	M
O'Connor	Adam	Adviser, AGD in OPP	Attorney General's Department	M
O'Hehir	Justin	Adviser, Boroko Police Station	Australian Federal Police	M
Shanks	Linda	Adviser, OPP	Attorney General's Department	F

Cardno Emerging Markets (the Contractor)				
Berrigan	Teresa	Team Leader	JSS4D	F
Child	Helen	Adviser	Magisterial Services	F
Choe	Joanne	Regional Manager Pacific	Cardno	F

Cossar	Jan	MEL Adviser	JSS4D	F
FSV team			JSS4D	M/F
Kotoisuva	Edwina	Deputy Team Leader, FSV	JSS4D	F
Murphy	Mick	Acting Deputy Team Leader, Community Safety & Security	JSS4D	M
Payne	Rachel	MEL Leader Adviser	JSS4D	F
Seymour	Ellen	Adviser	Correctional Services	F
Whayman	Julian	Deputy Team Leader, Legal Services	JSS4D	M
Whyte	Leonie	Cardno Contract Manager	JSS4D	F

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Annex C   Evaluation Plan

Introduction

DFAT's 2018 Annual Aid Evaluation Plan lists seven evaluations to be completed by AHC in Papua New Guinea including:

> **Justices Services and Stability for Development Mid-Term Review**
> This investment of $100m over four years is strengthening the capacity of core law and justice agencies to deliver essential services. The evaluation will assess progress and inform ongoing support to the law and justice sector in PNG.

This document provides the Evaluation Implementation Plan for the Mid Term Review ('the Evaluation') of the Justice Services and Stability for Development (JSS4D), scheduled to commence in August 2018. Based on the agreed Terms of Reference June 2018, which were developed in collaboration with the Australian High Commission (AHC), the PNG Quality Technical Assurance group (QTAG) has prepared this Evaluation Implementation Plan (consistent with DFAT Monitoring and Evaluation Standards, Standard 5 Independent Evaluation Plans, provided in **Annexure 1**) and will provide a team, which will include a DFAT officer[19], to implement the evaluation ensuring an appropriate blend of internal and external perspectives.

It is understood by QTAG that the AHC Justice team have consulted with their governing body and key stakeholders in developing the Terms of Reference. Further, this draft Evaluation Implementation Plan will be reviewed by the AHC.

This Evaluation Implementation Plan sets out the approach that will be taken to deliver the evaluation within the agreed scope.

The background, program logic and implementation strategies for JSS4D are fully detailed in **Justice Services and Stability for Development, Investment Design January 2015**, and summarised in **Annexure 2.**

Evaluation Purpose, Evaluation Questions and Intended Users of the Evaluation

The evaluation will take place in August 2018 and cover JSS4D from commencement 1 January 2016 until 30 June 2018, a period of 30 months.

- [19] DFAT Aid Evaluation Policy 2016: "We take advantage of both **independent and internal perspectives**. Evaluation teams should be led by an independent person who is not directly involved in program management to ensure the findings are objective. At the same time, evaluation teams should include DFAT staff to the extent possible. This will ensure evaluation teams understand our context and have insight into whether evaluation recommendations are appropriate and feasible. It will also ensure our staff have strong ownership of, and build their capacity in, evaluation" Accessed 11 July 2018 http://dfat.gov.au/aid/how-we-measure-performance/ode/Pages/aid-evaluation-policy.aspx

The *purpose* of the evaluation is to provide all stakeholders with a clear assessment of the progress and success of the JSS4D program, with specific regard to:

- *Accountability* – to provide stakeholders with an assessment of the effectiveness and efficiency of JSS4D to date. Are we on track to meeting the intermediate and end of program outcomes and targets?

- *Learning and Program improvement* – to provide stakeholders with insight into the current relevance of the JSS4D Theory of Change, and possible further development/ adjustment of JSS4D to best suit the Papua New Guinea – Australia Partnership.

- *Contract renewal* – to provide DFAT with analysis, options and a recommendation as to whether the current JSS4D contract should be extended or a new investment design undertaken.

The *primary* audiences for the evaluation are:

- **Australian High Commission**: lead by Senior Responsible Officer and the Counsellor for Justice;

- **Government of Papua New Guinea:** lead by the Chair of the National Coordinating Mechanism, the sector constitutional office holders, departmental heads, Department of National Planning and Monitoring, the Law and Justice Sector Secretariat, and the Strategic Program Governance Meeting.

- **The Autonomous Government of Bougainville** lead by the Secretary for Law and Justice as chair of the Bougainville Law and Justice Sector

- **DFAT Canberra**;

- **the Implementation Team of Managing Contractor, Cardno Emerging Markets;**

- Relevant Australian Government entities (PNG-APP, Institutional Partnership Program); and

- Significant bi-lateral donors operating in the Law and Justice Sector DFAT.

The *secondary* audiences for the report include;

- Other development partners and actors e.g. World Bank, UN Women, DPLGA, Family and Sexual Violence Action Committee,

- Civil Society,

- Churches; and

- Others with an interest in improving law and justice outcomes in Papua New Guinea.

Evaluation questions

The key evaluation question, which will frame the overall evaluation, is: '*To what extent is JSS4D on track to achieve intended end of program outcomes?*'

The sub-evaluation questions, which will frame the inquiry methods to be implemented are:

Early impacts and challenges

- What are the achievements to date of JSS4D—what contribution has been made toward intermediate outcomes?

- Have the achievements been effectively show-cased? [Do stakeholders know what has been achieved?]

- What improvements could be made for remainder of the program, with current programming arrangements (feasibility, risk and efficiency)? If the contact is to be extended what improvements can be made to the contract or modality?

- What opportunities have emerged since implementation commenced? What are the major challenges the program faces?

The partners

- The L&J Sector has been actively engaged in GoA investment in this sector for more than15 years. What is the current level of engagement and willingness of all partners to make JSS4D work?

- To what extent are the current governance mechanisms effective in terms of facilitating equitable development?

- Why has implementation continued despite weak systems and lack of resources?

Effectiveness and Efficiency

- Is there an appropriate balance of resource allocation across the components of the program?

- To what extent is adaptive management being practiced by program managers in response to documented and observed lessons and achievements? To what extent is the use of alternative modalities being actively and continuously considered in programming? To what extent and how are implementation strategies tested?

- Is there a place for deeper engagement in some areas and scaling back in others? Are the current priority provinces appropriate for continuation of effort? Are there opportunities to expand the coverage of JSS4D into emerging priorities? What other opportunities can be considered by JSS4D for influencing relevant change?

Sustainability

- To what extent are processes to enable sustainability being considered and applied?

Monitoring and Evaluation

- Is the Monitoring and Evaluation System [Monitoring and Evaluation Framework, Theory of Change, assumptions, data collection tools and inquiry approaches, resources etc] fit for purpose?

    i. How is it being applied and used to inform decision making?

    ii. To what extent are GoPNG agencies involved in collecting data to inform the MEF and using MEF outputs to inform their decision making?

iii. To what extent does JSS4D reporting meet the needs of Government of Australia, Government of Papua New Guinea and Autonomous Bougainville Government?

iv. To what extent is the Theory of Change still relevant? Is it the appropriate framework for sense making in the current context?

v. To what extent does the MEF define opportunities for reflection, learning and improvement? If it does, to what extent are these considered useful and enabling adaptive management?

Gender Equity and Social Inclusion

- To what extent are appropriate GESI interventions and activities being implemented? Are the current GESI activities relevant? To what extent is the scaling up of the GESI interventions by Papua New Guinea actors potentially feasible?

[Where appropriate and feasible QTAG will provide a comparison with international best practice (analysis and learning) focused on governance programming more broadly (including approaches to GESI, sub national governance and decentralisation, institutional reform, and community driven development, and consider the ways in which JSS4D is taking on board (or not) the lessons of that thinking].

Evaluation Locations

The evaluation will be conducted with informants in Port Moresby and in two sub-national locations:

- Bougainville: a significant component of the overall major program, focused on post crisis reconstruction, development of law and justice institutions, and peace-building; and

- Northern Province and Morobe Province.

Evaluation Design

This evaluation has a significant focus on *accountability (effectiveness to date)* and *potential learning for program improvement*, with the intention of potentially refining the design and improving implementation, as feasible. This is appropriate at this stage of implementation of the JSS4D Program, particularly in consideration of the effort that has preceded JSS4D.

Therefore it is appropriate to apply an evaluation design, which will elicit knowledge and perspectives about *'What works, for whom, in what respects, to what extent, in what contexts, and how?'* And, if it hasn't worked so far, to consider '*why not*?' And then, grounded in understanding of the system, provide options for choosing alternative directions and implementing adaptive management.

The QTAG Evaluation Team will apply an appreciative inquiry[20] approach, looking for what has worked best. The evaluation team will be looking for evidence of sound approaches being delivered by JSS4D in support of law and justice institutions delivering their legislated purposes and services effectively at national level, and sub nationally in targeted provinces and in the Autonomous Region of Bougainville.

Evaluation Methods

Evaluation methods will be largely qualitative through surveying relevant key informants; combined with a literature review, which will synthesise evidence of best relevant international practices; and a review of relevant program and institutional documents. A detailed list of data collection methods that will be applied, to collect evidence for answering evaluation questions, is provided in Annexure 3.

Sampling Strategy

Sampling will be purposeful, that is the evaluation team will seek to engage with key informants who have robust knowledge and experience of what is happening across the JSS4D program and sub-programs: partner governments (GoPNG and ABG) Law and Justice Institutions and counterparts, and Civil Society Organisation partners, along with those who potentially hold an informed view on what could and should be happening in the sector. Key informants have been selected because they hold various perspectives, such as: Investor, Governing body, GoPNG agency policy makers, ABG Agency policy makers, PNG and ARoB policy influencers and social commentators, and implementing institutions, such as CSOs.

Key informant groups and individuals identified by the AHC Justice Team are detailed in **Annexure 4**. It is anticipated that this list will expand somewhat as interviews take place and other potential informants are identified.

Communication and Engagement

The AHC Justice Team has communicated about the proposed evaluation with their GoPNG partner groups – the National Coordination Mechanism (NCM) and the Strategic Program Governance Meeting (SPGM).It is anticipated that further communication will be required, which could be partly fulfilled at the in-country inception meeting where an on-going project communication protocol will be developed with key stakeholders.

The QTAG Evaluation Team will need significant support from the AHC Justice team to gain access to, or schedule appointments with key informants. Interviews and meetings need to be scheduled well before the evaluation team arrives in country.

Data collection, management, analysis and synthesis

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[20] '*Appreciative Inquiry is a method and approach to inquiry that seeks to understand what is best about a program, organisation, or system to create a better future. The underlying assumptions of appreciative inquiry suggest that what we focus on becomes a reality, that there are multiple values and realities that need to be acknowledged and included, that the very act of asking questions influences our thinking and behaviour, and that people will have more enthusiasm and motivation to change if they see possibilities and opportunities for the future*. 'Mathison, S. (Ed) (2005) Encyclopaedia of Evaluation. Sage, California.

Data collection will be undertaken through:

- A set of <u>semi structured or structured interview protocols</u>, tailored to suit various key informant groups and bespoke to individual or group interview settings. Where appropriate <u>interviews will be recorded, while detailed notes will be taken for all interviews</u>. The Evaluation Team will operate in teams of two, wherever possible gender balanced, to ensure appropriate coverage of interview content.
- <u>A literature review:</u> Conducted by Oxford Policy Management, and designed to elicit and collate current academic and legitimate perspectives particularly focused on programming for community justice, family and sexual violence and relevant governance programming.
- <u>Document review:</u> It is anticipated that the AHC Justice Team will request the JSS4D Program team and partner implementing institutions to provide as many relevant documents as possible (such as progress activity and outcome reports, strategies, plans, design documents, MEL documents, communication products, formal agreements evaluation reports etc) that are relevant to the evaluation period asap, and certainly prior to the in-country inputs (by 20 July) so evaluation team members can be well advanced with document review prior to arrival and have a reasonably well developed view of the context. This will be essential for refining inquiry with key informants.

Data Management will be undertaken according to an <u>agreed data management protocol,</u> which will include:

- Daily (where possible) uploading of sound files, for any interviews that are recorded, to a central evidence base, with files labelled to an agreed standard.
- Daily documentation of hand written notes and uploading to a central evidence base.
- Transcription of recorded interviews.
- Reviewers will prepare notes about document reviews in relation to evaluation questions and upload to a central evidence base.

Data analysis and synthesis will include:

- Daily reflection conversations between evaluation team members, where observations are discussed and cross-checked with other team members, and particularly sense making through Papua New Guinean eyes for cultural nuances.
- Regular reflexive discussions (suggest daily) throughout the report writing period, between section key authors, based on notes recorded at interviews and transcriptions of any recorded discussions.
- Regular sense making and checking with the Papua New Guinean team member, throughout the drafting period, and for the entire final draft report.

Data synthesis will include:

- Tabular collation and then triangulation (to determine the extent of consistency and coherence) of all data forms collected against relevant evaluation questions.
- This collated data set will be reviewed by the evaluation team to enable judgements to be made and where possible, defensible findings to be developed.
- It is intend that there will be a clear line between data collected, analysed, synthesised and judgements made.

- • Potential value add: Validity and reliability (trustworthiness and authenticity) of this evaluation could be enhanced through a participatory data analysis session with significant participation of Papua New Guineans, scheduled prior to submission of the draft report; and / or a facilitated recommendation development session, also with significant participation of Papua New Guineans.

Ethical and cultural considerations

The evaluation team will practice ethical conduct in accordance with standards set by the Australasian Evaluation Society[21] for Ethical evaluations. Further the team will particularly consider ethical approaches appropriate to international development settings[22]:

1. *Respect for PNG culture, gender and diversity*: The evaluation 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.
2. *Protecting the legitimate concerns of both clients and stakeholders.* The evaluation team will be cognisant of balancing the concerns of the evaluation 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 evaluation team will brief 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.
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 Papua New Guinea.

Data collection: All interviews will commence with an ethical statement about how data collected will be used, and permission will be gained and recorded for recording of interviews and / or taking of notes.

Finally, it is important that this evaluation process does not compromise the validity of any future intended evaluations, or of any ongoing monitoring, learning and evaluation effort.

Reporting

- • During the in-country input or soon after that Evaluation Team Leader will negotiate a reporting format with the AHC Justice Team. It is anticipated that this would be a single

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[21] Guidelines for the Ethical Conduct of Evaluations, Australasian Evaluation Society, 2013. Accessed 19 March 2018 at https://www.aes.asn.au/images/stories/files/membership/AES_Guidelines_web_v2.pdf

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

well developed report, however, the design and preparation of bespoke communication products based on the evaluation could be considered <u>as an additional product.</u>

- Initial draft observations, findings and reflections will be presented by the Evaluation Team in a draft Aide Memoire at the end of the (each) in-country input.
- A draft report prepared in the agreed reporting style of indicatively no more than 30 pages plus Annexes will be prepared for consideration by AHC, the GoPNG NCM, the SPGM, and DFAT Canberra by end October.
- QTAG will supply AHC with a template in which AHC can indicatively allocate the review of sections to various key individuals and ask that they only comment on those sections where they have expertise. The template will have guidance through a set of headings to work to e.g. Please look for: 1. Errors of Fact or currency; 2. misguided judgements; 3. Comments on style and structure; 4. Key information that's missing. Etc.
- DFAT will harmonise / moderate feedback through an internal group dialogue before they return it. DFAT will facilitate a similar session with GoPNG partners.
- <u>Potential value add</u>: The draft report could also be submitted as a presentation to each of these key stakeholder groups or discussed in a workshop / forum with each (or selected) key stakeholder group when they have had some time to read and review the draft document.
- A final report will be submitted by 16 November 2018 in word and .pdf form. Comprehensive graphic design <u>will not be included</u> in this report, and would be an additional task if required.
- Unless negotiated otherwise, AHC / DFAT will be responsible for dissemination of the final report to stakeholders, including production of printed copies for primary stakeholders.

Utilisation of Findings

Utilisation of Findings could be enhanced by:

- Participatory data analysis workshop;
- Participatory development of recommendations;
- Preparation of bespoke communication products for target audiences;
- A Workshop or Forum with key stakeholders to review the draft report OR to discuss the Final Report;
- Expedited uploading to DFAT and JSS4D websites; and
- Presentation of findings at an ODE Devpolicy Evaluation forum in late 2018 or early 2019; the Australian Aid Conference in Feb 2019.

Resources

Evaluation team

1. The evaluation team will include four people: A Team Leader, an international Justice Specialist, a Gender and Family and Sexual Violence Specialist, Government of Papua New Guinea nominated Law and Justice Representative. This team will be accompanied by a representative from the DFAT Papua New Guinea Canberra Desk, who will operate as <u>an observer in collection of informant views</u>, but be available to discuss DFAT perspectives in reflexive discussions within the Review team. The QTAG will provide logistical support and Monitoring and Evaluation support, ensuring that the evaluation design and process meets quality standards.

Specific responsibilities for evaluation team members are detailed in Annexure 6.

Team member allocation to tasks

Task	Team leader	International Justice Specialist	Gender Equity and Family and Sexual Violence Specialist	Papua New Guinea Justice representative	QTAG Program Manager	QTAG M&E
Review Planning and design	✓				✓	✓
Data collection in-country	✓	✓	✓	✓		
Data Management	✓	✓	✓	✓	✓	
Data analysis and synthesis	✓	✓	✓	✓		
Judgement making	✓	✓	✓	✓		
Report Writing	✓	✓	✓	✓	QA	

Outputs

Aide memoire: An aide memoire of no more than 6 pages is to be presented at the conclusion of the in country visit. Presented on or by 15 August to AHC and relevant GoPNG stakeholders.

Draft report: Draft report of no more than 30 pages (excluding Annexes), will be submitted to the Counsellor L&J in Word format by 12 October. Format of the draft report is to be agreed beforehand by AHC and the Evaluation Team. AHC will provide consolidated written comments on the Draft Report by 2 November. The report will be designed to meet the DFAT Monitoring and Evaluation Standards: Standard 6 Independent Evaluation Reports.

Final report will be submitted to the Counsellor L&J by 16 November.

Budget

The total amount of funding available for this evaluation is AUD 240,000. The QTAG contractor OPM Australia has submitted and had approved a detailed budget.

Limits to the evaluation

Time: The evaluation has a very limited time allocated to the in-country input, requiring tight and efficient scheduling of interviews and contact. Wherever, possible and appropriate semi structured group interviews may be preferred to a series of individual interviews, however, extra care would be required to ensure freedom of expression within a group setting. It may be necessary to prioritise key informants. Further it will be vital that all relevant documents are provided to the evaluation team for partial review <u>at least two weeks prior to the in-country visit</u>.

Scope: Overall there is a tight nexus between the time available and the scope of the evaluation, which will require careful communication between the QTAG Program Manager, the Evaluation Team Leader and the AHC Justice team throughout.

Evaluation Project Governance and Evaluation Progress Reporting Arrangements

The Strategic Partner Governance Meeting will oversee the Evaluation. The designated AHC Evaluation Project Manager, Caroline Gaiyer, will work with the SPGM to oversee and facilitate the implementation of the evaluation and approve all project deliverables.

Further the SPGM will be the primary mechanism for dissemination of information about the review as it progresses, to all primary stakeholders and when it has reported, to all primary and secondary stakeholders. A communication protocol will be developed at the Inception Meeting.

The QTAG Team Leader, who is also the Evaluation Team Leader and the QTAG Program Manager will report to the AHC Justice Evaluation key contact: Gina Wilson, or her delegate, on evaluation project implementation progress. This will be in the form of a weekly email update, or if necessary by direct phone contact.

Review Project Timeline

Timeframe

An indicative evaluation schedule is summarised in the following table:

Stage	Timing
First Draft of Evaluation Terms of Reference	29 March 2018
Revised Draft Evaluation Terms of Reference	2 May 2018
Second Draft Evaluation Terms of Reference	15 May 2018
Evaluation Plan submitted to AHC	22 June 2018
AHC Feedback on Review Plan	6 July 2018
Review Plan Approved	20 July 2018
Review Inception Meetings	Wednesday 1 August 2018
Data Collection – Port Moresby	Wednesday 1 - Friday 3 August 2018
Sub national Data Collection	Saturday 4 – Tuesday 7 August 2018
Stocktake and interviews – Port Moresby	Wednesday 8 – Thursday 9 August 2018
Sub national Data collection (Northern, part team)	Friday 10 – Saturday 11 August
Follow-up consultations, Analysis and Synthesis Port Moresby	Sunday 12 – Wednesday 15 August 2018
Present Findings and Draft Preliminary Recommendations(am) to NCM and / or SPGM Depart Port Moresby early afternoon	Wednesday 15 August 2018
Data Analysis and synthesis	Monday 27 August – Friday 21 September 2018

Report Drafting	Monday 27 August – Friday 12 October 2018
OPM Quality Assurance	9-12 October 2018
Draft Evaluation Report delivered to AHC	12 October 2018
DFAT and NCM discussion on the draft report with QTAG Team Leader & Program Manager in Port Moresby	Thursday 1 November 2018
AHC prepares consolidated, coherent feedback on draft Review Report	2 November 2018
Final Review Report	16 November 2018

Risk Identification and Mitigation

Possible significant risks, probability, consequence and mitigation for this evaluation project have been identified as follows:

	Risk [Description]	Probability	Consequence to the evaluation	Mitigation solution
1	<u>Not enough access to key informants, nor the right ones</u>: Inviting key informant participation, gaining access, scheduling interviews and contact requires significant time by individuals who know who people are and how to find them.	High	High	2. AHC and / or JSS4D to allocate one or two officers to this task for the three weeks leading up to the in-country input and for the duration of the in-country input.
2.	<u>Not enough time in-country</u> to interview an appropriate number and range of key informants	Medium	High	1. Tentatively schedule / budget for an additional week in country for at least part of the evaluation team
3.	<u>Distraction by APEC:</u> Potential for senior PAPUA New Guineans and AHC officers to become less available as APEC draws closer, particularly considering this evaluation does not commence in-country until early August.	Medium to high	High	Ensure that key PNG stakeholders and AHC officials understand the evaluation timeframe and commit time in advance. This should be negotiated at the evaluation inception meeting.
4.	<u>Political risk:</u> Potential socio-political unrest and tension in ARoB may increase as the conversation about and establishment of the referendum is increasingly imminent. This may limit access to key informants or safety and security of the evaluation team visit.	High	High	Careful monitoring of socio political situation and security risk. Consider planning for alternative priority sub national visit, with a visit to Bougainville planned for a later time.
5.	<u>Technical risk</u>: presence of DFAT desk officer compromises the objectivity / independence of the Review.	Medium	High	Agree explicitly in advance the specific ToR of the DFAT desk officer, as well as the other roles.

• Annexure 1 Standard 5 Independent Evaluation Plans[23]

No.	Element	
5.1	The evaluation plan is based on a collaborative approach	✓
5.2	The primary intended users of the evaluation are clearly identified and their evaluation needs are described	✓
5.3	The purpose and/or objectives of the evaluation are stated	✓
5.4	A summary is provided to orient the reader to the overall evaluation design	✓
5.5	Limitations or constraints on the evaluation are described (e.g. time frame; resources; available data; political sensitivities)	✓
5.6	The Key Evaluation Questions are supplemented by detailed descriptions and/or sub questions	✓
5.7	It is clear which questions are considered to be of higher priority and are expected to provide the most important information	✓
5.8	There is sufficient flexibility to be able to address important unexpected issues as they emerge	✓
5.9	The methods to collect data are described for each question (or related questions)	✓
5.10	The proposed data collection methods are appropriate for the questions posed	✓
5.11	Triangulation of data collection methods is proposed to strengthen the confidence in the findings	✓
5.12	The sampling strategy is clear and appropriate for the evaluation questions posed	✓
5.13	The plan describes how data will be processed and analysed	✓
5.14	The plan identifies ethical issues and how they will be addressed	✓
5.15	The process for making judgments is clear	✓
5.16	Approaches to enhance the utilization of findings are outlined (if this has been requested in the terms of reference)	✓
5.17	The evaluation plan provides guidance on scheduling. The final schedule (if attached) reflects adequate time to answer the posed evaluation questions	✓
5.18	The allocation of evaluation tasks to team members is clearly described (i.e. data collection, processing and reporting)	✓
5.19	The plan for publication of the final evaluation report is documented	✓

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[23] DFAT Monitoring and Evaluation Standards

Annexure 2   Background to Justice Services and Stability for Development Program

2. Justice Services and Stability for Development (JSS4D) is a four-year program providing support to the law and justice sector in Papua New Guinea (PNG) from January 2016 to December 2019.

    The Program supports the PNG Law and Justice Sector's mission of 'a just, safe and secure society for all', on the basis that this will underpin both private sector and human development in PNG. Its two long term goals are:

    - safer and more secure communities, where people have greater access to better aligned effective legal services and community justice mechanisms; and

    - more accountable, legitimate; and responsive law and justice agencies contributing to a culture of legal compliance and enforcement.

    To achieve these goals the Program works with the sector, its agencies, partners and stakeholders across four interrelated and complementary Outcome Areas that aim to: create safer communities, strengthen legal services, address family and sexual violence (FSV); and confront corruption.

    Special consideration is given to the Autonomous Region of Bougainville (Bougainville), which is transitioning from an extended period of conflict. Whilst the program broadly follows the structure for the rest of PNG, the Outcome Areas in Bougainville reflect the need for peace and stability and the establishment and strengthening of key services, particularly the Bougainville Police Services (BPS).

    The JSS4D Program Logics will be included in the Evaluation Plan.

Vision:

Private sector development and human development in PNG are underpinned by a just, safe and secure society for all.

Long Term Goals:

Safer and more secure communities, where people have greater access to better aligned effective legal services and community justice mechanisms; and

More accountable, legitimate and responsive law and justice agencies, contributing to a culture of legal compliance and enforcement

End of Program and Intermediate Outcomes:

Community, Safety and Security - Local level dispute resolution and conflict mediation mechanisms in target areas are more effective, locally legitimate and available:

- Village Courts and land mediators make progress in delivering equitable, effective services in target areas;

- Targeted administrations and law and justice agencies in these areas increasingly coordinate with and support local law and justice activities and initiatives;

- Local community initiatives are playing an effective role in promoting safer and more secure communities

- Women and men are increasingly aware of the PNG justice system and their legal rights and responsibilities;

Family and Sexual Violence - Women and others vulnerable to family and sexual violence are increasingly accessing justice, legal protection and support services

- Women are empowered to influence the delivery of law and justice

- Victims of family and sexual violence increasingly access referral and support services

- Women and other vulnerable groups increasingly access effective legal protection and assistance

- Increase in timely investigation and prosecution of FSV cases in the lower and national courts

Law and Justice Services - Law and justice agencies deliver ethical and accountable core state functions, with a focus on accessibility, quality and service

- Supported infrastructure investments result in improved quality and/or expanded access for women and men to state law and justice services

- Management, leadership and prioritised professional skills are stronger in L&J agencies

- Law and justice agencies provide more effective legal services to GoPNG

- PNG agencies demonstrate commitment to planning, tracking and publishing agency and sector performance data

Anti-corruption - Target agencies and provinces demonstrate improved resistance to, detection, investigation and prosecution of corruption

- Law and justice agencies and administrations improve cultures, systems and accountabilities to resist petty and bureaucratic corruption

- Supported civil society and coalitions advocate for anti-corruption agendas and expenditure monitoring

- Responsible PNG enforcement agencies more effectively enforce laws against corruption

- Anti-money laundering frameworks increasingly meet national standards

Bougainville End of Program and Intermediate outcomes:

Local level dispute resolution and conflict mediation mechanisms are more effective, locally legitimate and available;

- Village courts, land mediators and community governance arrangements are more effective and supporting each other

- Local level dispute resolution mechanisms are adequately resourced and more effectively linked to formal law enforcement

- Crime prevention initiatives, including through rehabilitation of offenders and diversion, are implemented

Women and others vulnerable to family and sexual violence increasingly access justice, legal protection and support services;

- Women and other vulnerable groups increasingly access effective legal protection and assistance

- Increase in timely investigation and prosecution of FSV cases in the lower and national courts

- Women and other vulnerable people are empowered to influence the delivery of law and justice

- L&J sector agencies demonstrate improved response to Bougainville conflict drivers of FSV

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

- Prioritised infrastructure investments expand access to law and justice services

- Management, leadership and prioritised professional skills are stronger in L&J agencies

- L&J agencies in Bougainville demonstrate accountability and transparency in the delivery of services

- Bougainville has enhanced internal capacity to provide legal services to the ABG

- Appropriate and coherent approach to the progressive transfer of law and justice related powers and functions

A more credible and functioning Bougainville Police Service, effectively linked to community policing and other arms of Bougainville's law and justice system.

- The Bougainvillean police staffing increases, including the numbers of police women

- BPS human resources systems, corporate and administrative services support the delivery of good quality, accountable policing services across Bougainville

- BPS and CAPS demonstrate improved policing skills, competencies and response to key community and ABG concerns

- Supporting policy developments to identify a police service appropriate to Bougainville's vision

Annexure 3   Data Collection Methods to answer Evaluation Questions

[For use by Evaluation Team]

#	Evaluation Question	Data Collection Method	Selected Key informants (NB: others may be identified as interviews progress)	Comment/ questions about feasibility | Relevant evaluation team members
1	*'To what extent is JSS4D on track to achieve intended end of program outcomes?'*			
Early impacts and challenges				
2	What are the achievements to date of JSS4D—what contribution has been made toward intermediate outcomes?	**Document Review of relevant program progress reports and Fact Sheets**		**Team Leader**
		Document Review of Evaluation Reports		
		Interviews with key stakeholders	**Senior GoPNG and ABG officials** **JSS4D Program Management Staff** **IPP L&J Advisers** **AHC Justice Team** **Provincial Informants across sub programs** **All key informants**	**(All team members in all interviews)**
3	Have the achievements been effectively show-cased? [Do stakeholders know what has been achieved?]	**Review of Comms Plan** **Review of communication products prepared by JSS4D team, including website**		**Team Leader** **Gender Equity and FSV Adviser**
		Interview with JSS4D communications officer	**JSS4D Comms Officer** **JSS4D Cardno representative**	**Team Leader**
		Interview with comms product users	• **AHC Justice Team** • **Minister Counsellor** • **GoPNG NCM and SPGM; ABG L&J** • **DFAT PNG Team, Canberra**	

#	Evaluation Question	Data Collection Method	Selected Key informants (NB: others may be identified as interviews progress)	Comment/ questions about feasibility | Relevant evaluation team members
4	What improvements could be made for remainder of the program, with current programming arrangements (feasibility, risk and efficiency)? If the contract is to be extended what improvements can be made to the contract or modality?	**Literature Review – International Literature on Justice programming modalities and effectiveness;**	**OPM**	
		Document review of JSS4D Design Papers	**[It is understood that a substantial # of papers and thought pieces were prepared to inform the design. It would be good to re-visit these papers and look for additional or concurrent opportunities]**	*Team Leader & International Justice Specialist*
		Interviews with key stakeholders	**GoPNG NCM and SPGM; ABG L&J AHC Justice Team DFAT Canberra PNG Justice Team JSS4D Cardno representative JSS4D Team Leader and Deputy Team Leaders**	
5	What opportunities have emerged since implementation commenced? What are the major challenges the program faces?	**Interviews with key stakeholders**	**GoPNG NCM and SPGM; ABG L&J AHC Justice Team DFAT Canberra PNG Justice Team JSS4D Cardno representative JSS4D Team Leader and Deputy Team Leaders Sec, DJAG Douveri Henao, PNG Legal commentator**	**Team Leader & PNG Justice representative**
		Updated Political Economy Analysis [Has AHC done one recently for Justice??]	**OPM**	

#	Evaluation Question	Data Collection Method	Selected Key informants (NB: others may be identified as interviews progress)	Comment/ questions about feasibility | Relevant evaluation team members
	The partners			
7	The L&J Sector has been actively engaged in GoA investment in this sector for more than15 years. What is the current level of engagement and willingness of all partners to make JSS4D work? [Why has implementation continued despite weak systems and lack of resources?]	**Semi structured interviews with GoPNG and ABG L&J senior officers**	**GoPNG NCM and SPGM; ABG Minister Counsellor** **AHC Justice Team** **DFAT PNG Desk** **Chief Secretary** **Chief Justice** **Lawrence Stephens, Chair, Transparency International**	*Team Leader & International Justice Specialist* **& PNG Justice representative**
		Document Review of SPGM minutes and meeting notes		*Team Leader*
8	To what extent are the current governance mechanisms effective in terms of facilitating equitable development?	**Semi structured interviews with GoPNG and ABG L&J senior officers**	**GoPNG NCM and SPGM members; ABG Minister Counsellor**	*Team Leader & International Justice Specialist* **& PNG Justice representative**
		Analysis of program planning and budget allocation processes: re collaboration and participatory decision making [against a collaborative governance standard]		*Team Leader*
		Document Review of SPGM minutes and meeting notes		*Team Leader*

#	Evaluation Question	Data Collection Method	Selected Key informants (NB: others may be identified as interviews progress)	Comment/ questions about feasibility | Relevant evaluation team members
Gender Equity and Social Inclusion				
10	To what extent are appropriate GESI interventions and activities being implemented? Are the current GESI activities relevant? To what extent is the scaling up of the GESI interventions by Papua New Guinea actors potentially feasible?	**Semi structured interviews**	**FSVAC – Mrs Ume Wainetti** **Paul Barker, INA** **Provincial FSVACs in Provinces** **Bougainville FSVAC** **Edwina Kotoisuva** **Kate Butcher** **Chief Magistrate/ Dep Chief Magistrate** **SPGM members** **Richelle Tickle: Team Leader, PWSPD-PNG and any other team members PWSPD**	**Gender and FSV adviser**
		Document review – all GESI and FSV documents		**Gender and FSV adviser**
Effectiveness and Efficiency				
11a	Is there an appropriate balance of resource allocation across the components of the program?	**Analysis of program annual plans and budgets, and expenditure**		**Team Leader**
		Identification of opportunities for increased / or less expenditure		
		Interview	**AHC Justice Counsellor and Minister Counsellor**	**Team Leader**
11b	Is there a place for deeper engagement in some areas	**Literature Review** **Document review – PALJP Completion Report, JSS4D Design papers**		**Team Leader**

#	Evaluation Question	Data Collection Method	Selected Key informants (NB: others may be identified as interviews progress)	Comment/ questions about feasibility | Relevant evaluation team members
	and scaling back in others? Are the current priority provinces appropriate for continuation of effort? Are there opportunities to expand the coverage of JSS4D into emerging priorities? What other opportunities can be considered by JSS4D for influencing relevant change?	**Semi structured group interview**	**SPGM members together** **ABG governance group together**	
		Structured Interviews	**NCM members** **AHC Justice Counsellor and Minister Counsellor**	**Team Leader & International Justice Specialist PNG & PNG Justice representative**
12a	To what extent is adaptive management being practiced by program managers in response to documented and observed lessons and achievements? To what extent is the use of alternative modalities being actively and continuously considered in programming? To what extent and how are implementation strategies tested?	**Semi Structured Group Interview**	**JSS4D Team Leader, Theresa Berrigan and Deputies,** **Sub Program team leaders**	**Team Leader & International Justice Specialist**
		Semi Structured Group Interview	**AHC Justice Team**	

#	Evaluation Question	Data Collection Method	Selected Key informants (NB: others may be identified as interviews progress)	Comment/ questions about feasibility | Relevant evaluation team members
	Sustainability			
12b	To what extent are processes to enable sustainability being considered and applied?	**As above**	**As above**	**Team Leader & International Justice Specialist**
	Monitoring and Evaluation			
15	Is the Monitoring and Evaluation System [Monitoring and Evaluation Framework, Theory of Change, assumptions, data collection tools and inquiry approaches, resources etc] fit for purpose?	**Review of MEF documents and quality of reporting products**		**QTAG M&E**
		Group interviews	**JSS4D M&E advisers and SMT**	**Team Leader and Gender and FSV adviser**
15a	• How is it being applied and used to inform decision making?	**Interviews**	**SMT AHC Justice Team SPGM members DFAT PNG Canberra Desk**	**Team Leader & International Justice Specialist**
15b	• To what extent are GoPNG agencies involved in collecting data to inform the MEF and using MEF outputs to inform their decision making?	**Interviews**	**SPGM JSS4D M&E advisers L&J Sector M&E Community of Practice Rose Koiama, DNPM**	**Team Leader & International Justice Specialist Gender and FSV adviser**

#	Evaluation Question	Data Collection Method	Selected Key informants (NB: others may be identified as interviews progress)	Comment/ questions about feasibility	Relevant evaluation team members
15c	• To what extent does JSS4D reporting meet the needs of Government of Australia, Government of Papua New Guinea and Autonomous Bougainville Government?	• **Structured Interviews**	**Rose Koiama, DNPM** **SPGM** **NCM** **ABG L&J Working Group** **AHC Justice Team**	**Team Leader & International Justice Specialist** **Gender and FSV adviser**
15d	• To what extent is the Theory of Change still relevant? Is it the appropriate framework for sense making in the current context?	• **Participatory Workshop with JSS4D Senior Management Team, AHC Justice team and selection of SPGM members**	**JSS4D SMT, AHC Justice Team, SPGM**	**Team Leader; PNG team member**
15e	• To what extent does the MEF define opportunities for reflection, learning and improvement? If it does, to what extent are these considered useful and enabling adaptive management?	• **Review of MEF documents** • **Interviews with JSS4D Senior Management team and AHC Justice Team and SPGM members** • **Participatory Workshop with JSS4D Senior Management Team, AHC Justice team and selection of SPGM members**	**JSS4D SMT, AHC Justice Team, SPGM**	**Team Leader; PNG team member**

#	Evaluation Question	Data Collection Method	Selected Key informants (NB: others may be identified as interviews progress)	Comment/ questions about feasibility | Relevant evaluation team members
16	*QTAG will provide a comparison with international best practice (analysis and learning) focused on governance programming more broadly (including approaches to GESI, sub national governance and decentralisation, institutional reform, and community driven development, and consider the ways in which JSS4D is taking on board (or not) the lessons of that thinking.*	**Literature review**	**OPM - QTAG**	
		Tacit knowledge of Evaluation Team Members		**International Justice Specialist Gender and FSV adviser**

Annexure 4   Key Informants List

LAW AND JUSTICE SECTOR STAKEHOLDERS (78)

National Coordination Mechanism (NCM) (11)

	Name & Title	Agency	Contact Details
1	**MS HAKAUA HARRY** Secretary Chair of NCM	**Dept of National Planning & Monitoring** P O BOX 631 WAIGANI NCD	Phone: 3288390 Fax : 3288384 Email : hakaua_harry@planning.gov.pg *Angie Gabuina − Secretary − 3288324* *Email: angie_gabuina@planning.gov.pg*
2	**MR MICHAEL WAIPO** Commissioner	**Correctional Services** P O Box 6889, BOROKO, NCD	Phone : 3171711 Fax : 3230407 Email : mwaipo@hq.cs.gov.pg *Rita Ipai − Secretary - 3171711* *Email : ripai@hq.cs.gov.pg*
3	**DR. LAWRENCE KALINOE, PhD, OBE** Secretary	**Dept of Justice & Attorney General** P O BOX 591 WAIGANI	Phone: 3012972/3012971 Fax : 3258445 Email : lawrence.kalinoe@justice.gov.pg *Pauline Maino - Executive Secretary* *Email: pauline.maino@justice.gov.pg*
4	**MR MICHAEL DICK** Chief Ombudsman	**Ombudsman Commission** Deloitte Tower, P O Box 1831, PORT MORESBY, NCD	Phone : 3082601 Fax : 3203263 Email michael.dick@ombudsman.gov.pg *Margaret Kila − Secretary* *Email: margaret.kila@ombudsman.gov.pg*
5	**MS NERRIE ELIAKIM** Chief Magistrate	**Magisterial Services** P O Box 1616, PORT MORESBY, NCD	Phone: 3210457/3212569 Fax : 3210784 Email: neliakim@magisterialservices.gov.pg Ranu Goada − Secretary Email: rgoada@magisterialservices.gov.pg
6	**MR LESLIE MAMU** Acting Public Solicitor	**Office of the Public Solicitor** 1ST Floor, Garden City Bldg, PO BOX 5812, BOROKO	Phone : 3258866 Fax : 3258445 Email : lmamu@publicsolicitor.gov.pg *Miriam Maha − Secretary* *Email: mmaha@publicsolicitor.gov.pg*
7	**MR PONDROS KALUWIN, LLB** Public Prosecutor	**Office Of The Public Prosecutor** 4th Floor, House Tisa Bldg, Waigani, P O Box 662, WAIGANI, NCD	Phone: 3250289/3250366 Fax : 3252795 Email : pkaluwin@publicprosecutor.gov.pg *Dorothy Kakot − Secretary* *Email: dkakot@publicprosecutor.gov.pg*

8	**SIR SALAMO INJIA, Kt, CGL** Chief Justice **MR JACK KARIKO** Secretary Phone: 3258261 Fax : 3235849 Email : jkariko@pngjudiciary.gov.pg	**National Judicial Staff Services** NDB Building, P O Box 7018, BOROKO NCD	Phone: 3112710/3245700 Fax : 3231081/3237732 Email : SInjiaKt@pngjudiciary.gov.pg *Rachel Tony – Secretary* *Email: jkila@pngjudiciary.gov.pg* *Vali Kila – Secretary* *Email: vkila@pngjudiciary.gov.pg*
9	**MR GARI BAKI** *OBE, DSP, CSt.J* Commission of Police	**Royal PNG Constabulary** P O BOX 85 KONEDOBU NCD	Phone: 3226110/3226112 Fax : 3210101 Email : gbaki@rpngc.gov.pg *Schola Sengu – Secretary* *Email : ssengu@rpngc.gov.pg* *sschola77@gmail.com*
1	**DR. ERIC KWA, Ph.D** Secretary	**Constitutional Law Reform Commission** P O Box 3439 BOROKO NCD	Phone: 3252840/3252862 Fax : 3253375 Email : ericlkwa@gmail.com *Angela Anis – Executive Officer* *Email: akbanama.anis@gmail.com*
1	**MRS PAULINE MOGISH, OL** Director	**Legal Training Institute** P O Box 6961, BOROKO NCD	Phone: 3262244 : 3262264 Fax : 3262159 Email : pmogish@pnglti.ac.pg pauline.t.mogish@gmail.com *Anna Kwalimu – Secretary* *Email: akwalimu@pnglti.ac.pg*

Law and Justice Sector Secretariat (LJSS) (2)

	Name & Title	Contact details
1	Mr Sam Geno Acting Director Law and Justice Sector Secretariat P O Box 1070 BOROKO NCD	Phone: 3213552/3215472 Fax : 3233966 Mobile: 72975158 (digicel) Mobile: 76849055 (bemobile) Email : sam.geno@lawandjustice.gov.pg
2	Mr. Dominic Tomar Manager – Sector Provincial Engagement	LJSS NOTE: Also Activity Leader for Community Safety activity

Strategic Program Governance Meeting (SPGM) Members (11)

	Name & Title	Agency	Contact Details / Comments
1	Mr Willie Kumanga Assistant Secretary & Co-chair of SPGM	Department of National Planning and Monitoring (DNPM) P.O Box 631,Waigani, National Capital District	Tel: 3288510 E: willie_kumanga@planning.gov.pg
2	Mr. Nichodemus Mosoro Deputy Secretary – Justice Administration *Also Activity Leader: Juvenile Justice Program*	Department of Justice and Attorney General	M: 77529757 E: nichodemus.mosoro@justice.gov.pg
3	Ms. Michelle Taumpson Director – Policy Planning and Development *Also Activity Leader for some activities*	Constitutional and Law Reform Commission P.O.Box 3439, Boroko Islander Dr, First Heritage Centre, Level 2	T: 325 2840/2862; F: 325 3375 E1: mtaumpson@clrc.gov.pg E2: mtaumpson@gmail.com
4	Mr. Francesca Tamate Corporate Manager	Office of the Public Prosecutor	M: 71773376 OR 76267185 E: FTamate@publicprosecutor.gov.pg
5	Mr Joseph Molita Secretary	Ombudsman Commission	E: Joseph.Molita@ombudsman.gov.pg
6	Ms Patricia Kiromat Program Manager	Legal Training Institute (LTI)	pkiromat@pnglti.ac.pg
7	Mr Stephen Pokanis Deputy Commissioner – Corporate Affairs *Also Activity Leader for CS Reform Program*	Correctional Services Headquarters P.O.Box 6889, Boroko, NCD	T: 3121705; M: 732449520; F: 3230407 E: spokanis@hq.cs.gov.pg
8	Mr Gerega Kila Director – Corporate Services	Magisterial Services (MS)	E: gkila@magisterialservices.gov.pg *Also Joint Activity Leader with Chief Magistrate for MS Reform Program*
9	Ms Mirriam Kove Director - Corporate Services	Public Solicitor's Office	E: mkove@publicsolicitor.gov.pg *Also Activity Leader for Paralegal & Mediation Training*
10	Mr John Carey Executive Director PNG Centre of Judicial Excellence *Also Activity Leader for Human Rights Training*	National Judicial Staff Services	M: 74379882; E: jcarey@pngjudiciary.gov.pg *Also Activity Leader for Human Rights Training*

| 11 | Chief Superintendent Rigga Neggi Director – Corporate Services | Royal Papua New Guinea Constabulary P.O.Box 85, Konedobu, NCD | T: 3226303; F: 3226271 E: rneggi@rpngc.gov.pg |

Other High Commission Teams (2)

	Name Title	Team	Contact details
1	Alistair McEachern – Counsellor (incl. team members)	Bougainville	E: Alistair.McEachern@dfat.gov.au
3	Nicola Ross – Counsellor (incl. team members)	Gender	E: Nicola.Ross@dfat.gov.au

Other Australian Government Agencies (4)

	Name Title	Agency	Contact details
1	Bruce Giles Commander PNG Australia Policing Partnership (APP)	Australian Federal Police (AFP)	Tel: 320 3953 E: bruce.giles@lelink.net.au
2	Detective Superintendent Todd Hunter Senior Liaison Officer PNG & Solomon Islands International Operations	AFP	Tel +67 5 3259333 Ext 154300 Mob +67 571045749 E: Todd.Hunter@afp.gov.au
3	Catherine Fitch Minister Counsellor – Legal	Attorney Generals Department (AGD)	Tel: 70900100 Ext. 339 Catherine.Fitch@dfat.gov.au
4	Paul Bannister – Advisor (Team Leader) PNG Adam O'Conner – Advisor PNG	Attorney Generals Department (AGD) Under IPP Based at Office of the Public Prosecutor (OPP)	Tel: 325 0366 M: 7192 3069 (PB) Tel: 301 2600 M: 7293 2698 (AO)

International Organisations/Partners (3)

	Name Title	Agency	Contact details
1	Ana Janet Sunga Child Protection Specialist	UNICEF	E: ajsunga@unicef.org *NOTE: Scheduled to leave POM in June*
2	Richelle Tickle Papua New Guinea Country Manager	Pacific Women Shaping Pacific Development (Pacific Women) Support Unit Level 6, PWC Haus, Harbour City, Port Moresby, PNG	E: Richelle.Tickle@pacificwomen.org.fj Tel: +675 320 1377| M: +675 7283 7146
3	Marcia Kalinoe National Program Coordinator	Family and Sexual Violence Action Committee (FSVAC)	Tel: 321 1714/1398 E: marcia.kalinoe@cimcpng.org

Name & Title	Contact details
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Justice Service and Stability for Development (JSS4D) Program Team (7)

	Name & Title	Contact details
1	Ms Teresa Berrigan Team Leader Justice Services and Stability for Development (JSS4D) Program Level 1, Old Yacht Club Building, Poreporena Freeway P O Box 840 PORT MORESBY, NCD	Tel: 3213552 / 3215472; M: Fax: 3233966 Email : teresa.berrigan@jss4d.org.pg
2	Ms Edwina Kotoisuva Deputy Team Leader – Gender Inclusion & Social Inclusion	Tel: 3213552 / 3215472; M: 7048 9935 Fax: 3233966 E: Edwina.Kotoisuva@jss4d.org.pg
3	Mr Pat Palmer Deputy Team Leader - Bougainville	E: Pat.Palmer@jss4d.org.pg
4	Mr Bill Lawrie Deputy Team Leader – Community Safety	Tel: 3213552 / 3215472; M: 72032245 Fax: 3233966 E: bill.lawrie@jss4d.org.pg
5	Mr Julian Whayman Deputy Team Leader – Law and Justice Services	Tel: 3213552 / 3215472 Fax : 3233966 E: Julian.Whayman@jss4d.org.pg
6	Ms Jan Cossar Monitoring & Evaluation Specialist	Tel: 3213552 / 3215472 Fax: 3233966 E: Jan.Cossar@jss4d.org.pg
7	Ms Rachel Payne Monitoring, Learning and Innovation Manager	Tel: 3213552/3215472 Fax: 3233966 E: Rachel.Payne@jss4d.org.pg

Activity Implementation Leaders (37)

Outcome Area 1: Community Safety (15)

Name	Agency	Contact details
Christine Boude	Department of Provincial and Local Government Affairs (DPLGA)	E: cboude@dplga.gov.pg ; M: 71654960

Provincial Counterparts (14)

	Name, Title, Agency	Contact details
	NORTHERN PROVINCE	
1	Mr Tako Gwae Deputy Provincial Administrator *Activity leader for National and local law and justice coordination support and local initiatives support*	M: 73089989
2	Mr David Iagoro Provincial Village Court Officer *Activity leader for Village Court and Land Mediation Support*	M: 71526020
3	Mr McGill Taimbari Oro Provincial Planner *Activity leader for National and local law and justice coordination support*	M: 73279837
	MOROBE	
4	Mr Ruben Ason Provincial Village Court Officer, Morobe Provincial Administration *Activity leader for Village Court and Land Mediation support*	M: 79154619
5	Mr John Tobian Coordinator Provincial Coordination & External Services, Morobe Provincial Administration *Activity leader for National and local law and justice coordination support*	M: 72666524
6	Ms Thelma Hungito Family and Sexual Violence Action Committee (FSVAC) Officer *Activity leader for Local Community Initiatives support & Law and Justice awareness raising*	E: heitchdilen@gmail.com M: 79658041
7	Ms Mary Tukavai Probation Officer, Community Based Corrections, Lae *Activity leader for Refurbishment of Erap Boys Town (Juvenile Rehabilitation Facility)*	M: 71060117
	BOUGAINVILLE	
8	Mr Kennearth Nanei Secretary ABG Department for Police, Corrective Services and Justice *Also a member of the SPGM*	M: 73427545 E: Kearnneth.Nanei@abg.gov.pg
9	ACP Joanne Clarkson Deputy Chief of Bougainville Police Service (BPS) *Activity Leader: Shaping Bougainville Justice*	E: joannehclarkson@gmail.com
10	Inspector Godwin Dukaduka Assistant Chief of BPS *Activity Leader: BPS Corporate Services Support and Policing services delivery*	E: gdukaduka@gmail.com
11	Mr Ishmael Korake	E: Ishmael.Korake@abg.gov.pg

	VC&LM Director, ABG *Activity Leader: Enhancing local level dispute resolution and conflict mediation systems*		
12	Mr Timothy Gaemate Manager Justice Admin & Coordination, ABG *Activity Leader: Strengthening Prisoner Management and Juvenile Justice*		E: Timothy.Gaemate@abg.gov.pg
13	Ms Julianne Sapaka Chair – BJWAC *Activity Leader: Supporting response, protection and prosecution of FSV, and Women's Empowerment*		E: Julianne.Sapaka@abg.gov.pg
14	Mr Pais Otima Senior Planning Officer, ABG DPCSJ *Activity Leader: Bougainville Law and Justice Capacity Building*		E: Pais.Otima@abg.gov.pg

Outcome Area 2: Family and Sexual Violence (FSV) (10)

	Name & Title	Agency	Contact details & Comments
1	Mr Walo Wayne	CLRC	M: 76113690; E: waynewalo@gmail.com
2	Ms Pamela Kamya, Director Research and Publications	CLRC	T: 325 2840, E: pamela.kamya@gmail.com
3	Mr Friedrich Kirriwom	PSO	T: 325 8866; E: fkirriwom@publicsolicitor.gov.pg
4	Sgt. Job Eremegu (Acting FSVU Coordinator)	RPNGC	M: 72881083
5	Senior Sgt. Maryanne Yabara		T: 3226280 or 72772329 E: myabara@rpngc.gov.pg
6	Supt. Francesca Marenge	CS	T: 323 0965 OR 7681 6401
7	Josephine Pitmur, Director Legal Policy and Governance Branch *Also Activity Leader for AML*	DJAG	T: 301 2958 E: Josephine.pitmur@justice.gov.pg
8	David Kuvi Team Leader – Family and Sexual Offences Unit (FASOU)	OPP	T: 325 0366; E: dkuvi@publicprosecutor.gov.pg
9	Israel Hukula Victim Liaison Officer & Gender Focal Point	OPP	Tel: 3012600; M: 71693286; F: 325 2795 E: IHukula@publicprosecutor.gov.pg
10	Dessie Magaru Deputy Chief Magistrate	MS	T: 321 7661; E: dmagaru@magisterialservices.gov.pg

Outcome Area 3: Effective law and justice services (8)

	Name	Agency	Contact Details/Comments
1	Suzie Vuvut – Chief Probation Officer Activity Leader -Probation, Parole & Rehabilitation Program	DJAG	E: suzie.vuvut@justice.gov.pg
2	Antonia Manau, Co-ordinator Dip of Justice Administration Activity Leader – Dip. Of justice Administration	DJAG	E: Antonia.Manau@justice.gov.pg

3	Mathew Nelson – Team Leader – National Narcotics Bureau Activity Leader – National Drugs & Alcohol Awareness Program	DJAG	E: Mathew.Nelson@justice.org.pg
4	Josephine Pitmur, Director Legal Policy and Governance Branch Activity Leader – Review of Lawyers Act	DJAG	T: 301 2958; E: Josephine.Advent@justice.gov.pg
5	Mrs Pauline Mogish – Director Activity Leader – LTI Commercial & Criminal Advocacy Training & Implementation of Curriculum Review	LTI	E: pmogish@pnglti.ac.pg; pauline.t.mogish@gmail.com
6	Emmanuel Thomas Activity Implementation – Criminal Advocacy Training, Bar Practice Course, Master of Laws & Twinning with QDPP & CDPP	OPP	E: Ethomas@publicprosecutor.gov.pg
7	Gerega Kila – Director, Corporate Service Joint Activity Leader – MS Reform Program	MS	E: gkila@magisterialservices.gov.pg
8	Mirriam Kove – Director Corporate Services Activity Leader – Paralegal Training & Mediation Training & FSV activities	PSO	E: mkove@publicsolicitor.gov.pg

Outcome Area 4: Anti-Corruption (5)

	Name, Title	Agency	Contact details/ Comments
1	Peni Keris - Executive Director Village Courts and Land Mediation Secretariat *Also Activity Leader for ELJS and FSV AIPs* *Activity Leader VCLM Service & Budget Charters*	VCLMS	T: 325 8214; E: peni.keris@justice.gov.pg ; Pkeris@justice.gov.pg
2	David Suagu – Assistant Commissioner *Activity Leader – Service Charters in CS Institutions*	CS	dsuagu@cs.gov.pg
3	Matthew Damaru , Director – National Fraud & Anti-Corruption Directorate *Activity Leader: Capacity Building in Fraud Investigations & Prosecutions*	RPNGC	E: matthew4526@gmail.com T: 3226377 /M: 72010015 / 72939702
4	Timothy Gitua – Deputy Director National Fraud & Anti-Corruption Directorate	RPNGC	T: 3226361 / M: 70881820
5	Kuri Tumul – Team Leader *Activity Leader: OC Police oversight Program*	OC	T: 3082676 /M: 72031445 kuri.tumul@ombudsman.gov.pg

Annexure 5 AHC Justice Team | Pre-evaluation preparation Project Plan | V 15 May 2018

- **Introduction**

1. The Australian Government Department of Foreign Affairs and Trade (DFAT) is commissioning an independent mid-term evaluation of the Justice Services and Stability for Development Program (JSS4D).

2. <u>This brief Project Plan sets out important Evaluation Project planning and implementation steps to be facilitated by commissioners of the evaluation, the AHC Justice team, in collaboration with their Papua New Guinean colleagues, to prepare for the evaluation. This will ensure that the evaluation is as trustworthy and effective as possible.</u>

3. A draft Terms of Reference for the evaluation has been prepared by the Quality and Technical Assurance Group (QTAG) and provided for consideration by the Australian High Commission team in Port Moresby, the Law and Justice Sector National Coordination Mechanism and Working Group, and the PNG Desk Team in Canberra. This Terms of Reference has been updated based on feedback provided by AHC on 11 May 2018.

4. When refined and confirmed the draft Terms of Reference will provide the basis for preparation of a detailed Evaluation Plan by the QTAG who have been commissioned to implement the evaluation. A robust Evaluation Plan, which aligns with the *DFAT Monitoring and Evaluation Standard 5 Independent Evaluation Plan,* will set the foundation for a high quality evaluation.

5. Further, because one of the purposes of the evaluation is to support learning and program improvement QTAG encourages planning for effective participation at every possible stage of the evaluation, because this will contribute to more effective learning and dialogue for all stakeholders involved. This can be achieved without compromising 'independence'.

6. The *purpose* of the evaluation is to provide all stakeholders with a clear assessment of the progress and value of the JSS4D program, with specific regard to:

    a. *Accountability* – to provide stakeholders with an assessment of the effectiveness and efficiency of JSS4D to date.

    b. *Program improvement* – to provide stakeholders with insight into possible further development/ adjustment of JSS4D to best suit the Papua New Guinea – Australia Partnership.

Project Plan for AHC Justice Team

Step	Task	Rationale / Benefit	Who / When	Status Update and next steps
1	Engage with the National Coordination Mechanism (NCM) and / or the Law and Justice Sector Working Group (LJSWG) and the Bougainville Law and Justice Working Group (ABG LJWSG)	Present the NCM / LJSWG / ABG LJSWG with the Terms of Reference, which describe the purpose of the evaluation and the key evaluation questions. Discuss whether the key evaluation questions meet their needs or do they have additional questions. Gain their endorsement and support for conducting the evaluation. Refine and confirm the Terms of Reference. <u>To support this QTAG could</u>: • *Prepare a draft memo to the NCM / LJSWG / ABG LJSWG for the AHC team to finalise.* **Note: QTAG Provided this draft memo 2/5/18**	AHC | As soon as possible- next scheduled meeting or if necessary out-of-session	AHC: *NCM have been verbally advised about the mid-term review. They have acknowledged and will await further correspondence from the High Comm with a one page TOR.* QTAG Question: Do AHC need QTAG to prepare this one page ToR? Please confirm.
2	Governance Arrangements for the Evaluation: <u>Consider</u> forming an Evaluation Project Steering Committee – most likely a sub-group of the LJSWG and Bougainville LJSWG. <u>Nominate</u> a specific individual who will Project	Through the Evaluation Project Manager, this smaller group will closely monitor, support and facilitate the implementation and reporting of the Evaluation, to ensure that it stays on track and will meet the evaluation user's needs. This group would work with QTAG to form the information that QTAG needs to develop a final, agreed Evaluation Plan. It is really important that everyone is kept informed before, throughout and in the reporting phase of the evaluation. QTAG could then have a proper Inception Meeting with this Committee either in late May to finalise the Evaluation Plan or on the first day in country in early July 2018. <u>To support this QTAG could</u>:	AHC | Discuss with NCM / LJSWG / ABG LJSWG	*AHC: This is not necessary. The SPGM can provide the oversight.* *An AHC and/or DFAT officer can provide the support to the QTAG.* QTAG question: How often does SPGM (?) meet? Who will be nominated as the AHC officer who will manage the project on AHC's behalf, to whom QTAG will specifically report throughout the

Step	Task	Rationale / Benefit	Who / When	Status Update and next steps
	Manage this evaluation from your team	• *Prepare a brief ToR for this Evaluation Project Steering Committee that would set out a schedule of dates and level of involvement.* **QTAG WILL DO THIS**.		evaluation? This needs to be someone who is readily available and can make decisions.
3	Plan for and undertake effective Communication and Engagement with all stakeholders at National and Provincial levels in Papua New Guinea, and permissions at Provincial level and in Bougainville:	The AHC needs to work with the QTAG / LJSWG / ABG LJSWG to prepare and distribute authorising letters and (if necessary) authorisation/ permission at sub national level i.e. with relevant provinces (e.g. Northern Province) or in Bougainville where key informants might be interviewed. This could be achieved with a timely letter and the evaluation team should have a copy of these letters when visiting key informants in agencies and if travelling to provinces and Bougainville. Anyone who is likely to be involved needs to know what's happening with few or no surprises. <u>To support this QTAG could</u>: • *Draft an authorising letter to be signed by the NCM Chair* • *Draft a 1-2 page 'Tok Save' or Communique to be circulated to potential key informants prior to interviews or contact with the Evaluation Team* **Note: This Communique will be different to the ToR provided to NCM and will explain the ethical process around interviews.**	AHC | Discuss with LJWSG / ABG LJWSG; to implement	QTAG comment: • Please confirm if you need us to draft permission letters. • QTAG will prepare a Tok Save for key informants to be emailed out when contact is made.
4	Identifying 'sample' groups and then	AHC/JSS4D and their GoPNG counterparts need to consider and advise who holds various perspectives in answering the	AHC/ JSS4D in consultation with	AHC/ JSS4D to: Step 1. Develop list of key informants by category

Step	Task	Rationale / Benefit	Who / When	Status Update and next steps
	individual key informants:	overall set of evaluation questions. How many of them are there in each category? When this is determined the QTAG Evaluation Team can determine appropriate inquiry tools e.g. focus groups; semi structured group interviews, individual interviews, questionnaires, participant observation etc… We need to be able to carefully design and have a rationale for our sample. An individual (*perhaps AHC team program manager*?) would then need to make appointments with the key informants. This takes time and can involve complex scheduling.	GoPNG and ABG counterparts	Step 2. Prepare a realistic DRAFT schedule in consultation with QTAG- QTAG team needs to know numbers, stakeholder groups and locations to design data collection tools, by mid June Step 3. Contact and Advise key informants
5	Consider other Monitoring, Evaluation and Learning (MEL) processes that have been or are planned to be undertaken by the JSS4D MEL team.	It is important that the current program MEL approaches for JSS4D are not compromised and, where possible, are available to inform this evaluation. Further the QTAG Evaluation Team will need to have access to existing monitoring and reporting data for JSS4D.	AHC to enable the QTAG evaluation team to work closely with the JSS4D Program Management team and MEL team to plan around any evaluation or survey processes they have underway, and to access existing JSS4D MEL data and information.	QTAG comment: Preferably this would happen early to mid June.

Step	Task	Rationale / Benefit	Who / When	Status Update and next steps
6	Finalise Evaluation Plan	When all of the previous steps have been considered the QTAG team will be able to finalise an Evaluation Plan, which will meet DFAT Monitoring and Evaluation Standards | Standard 5 Independent Evaluation Plan.	QTAG to finalise Evaluation Plan for endorsement by the AHC & SPGM	This needs to be done well before the in-country component of the evaluation commences in early July;
7	Collate relevant documents	**All relevant documents need to be collated in advance of the in-country visit, so that ideally document review can be completed before mobilisation of the QTAG Evaluation Team in country. The potential list of documents includes but is not limited to:** • *Program Design and designs for specific work areas* • *Annual, Six monthly and other relevant program reports – Activity AND Outcome reports* • *Any recently completed evaluations e.g. FSV evaluation* • *JSS4D Operations Manual* • *Recent L&J Sector Annual Performance Reports* • *latest version of MEF and any previous approved versions* • *Latest version of Sector PMF* • *Full set of Fact Sheets* • *Community Crime Survey reports* • *Any reports on research commissioned*	AHC to work with the JSS4D program implementation team to source and provide documents.	These documents can be emailed to QTAG or potentially provided on memory stick during next week's in-country visit.
8	Plan for Reporting	In the spirit of partnership it is important that DFAT work with the SPGM / LJSWG / ABG LJSWG consider the format(s) in which all parties need the Evaluation Report to be presented, to meet their various intended uses. For example, this could be a full report with Executive Summary,	AHC to consider with the SPGM / LJSWG / ABG LJSWG and advise QTAG.	Required Reporting format needs to be agreed with stakeholders by the time the Evaluation Team leaves the country in mid-July

Step	Task	Rationale / Benefit	Who / When	Status Update and next steps
		complemented by a Summary for Policy Makers or a Communication Product for other audiences. Processes and <u>sufficient timing for providing coherent unified and agreed feedback on the draft Evaluation Report</u> needs to be considered and scheduled by the Evaluation Project Steering Committee.		
9	Staging and logistics	Scheduling meetings with priority key informants in Port Moresby or at sub national level for data collection and inquiry can be complicated and needs careful planning. If required, travel to sample provinces needs proper planning and pre-advice to key informants and their employers.	AHC to consider and advise QTAG.	As above AHC will work on this with JSS4D team
10	Testing the Evaluation findings	Upon completion of the draft Evaluation Report, it would be most appropriate for the Team leader and potentially one other team member of the QTAG Evaluation Team to make a return visit to present and test draft findings with the SPGM / LJSWG / ABG LJSWG and other key stakeholders, and any sub-national level where the evaluation has been conducted. *Here are our findings, do they make sense? Are they valid? Do you have alternative perspectives? What recommendations should be made?* <u>This is good practice and increases validity and reliability of the evaluation</u>. This step would need to be included in the Evaluation budget.	AHC to consider with the SPGM / LJSWG / ABG LJSWG and advise QTAG.	QTAG comment: It is important that advanced draft findings are discussed with a full range of key stakeholders before they are finalised. As mentioned this is best practice and <u>increases validity and reliability of the evaluation</u>.
11	Taking the next step: Informing Policy	Following on from a Final Evaluation Report it can be highly beneficial to convene a facilitated Policy Forum with e.g. the AHC, NCM / LJSWG / ABG LJSWG and other key	AHC to consider with the NCM / LJSWG / ABG	This could be added as an extra day onto another trip when all stakeholders

Step	Task	Rationale / Benefit	Who / When	Status Update and next steps
		stakeholders to discuss: *How do these Evaluation Findings inform our policy space and choices. What can we do with the findings? How can / will you use them?* This step can enhance evaluation use and usefulness.	LJSWG and advise QTAG.	have had time to absorb the findings and recommendations

Annexure 6 Specific Responsibilities of Evaluation Team Members

The Team Leader is ultimately responsible for all deliverables, including the evaluation report. Specific responsibilities include providing technical leadership, guidance and strategic support to the evaluation team, delegating tasks as appropriate and, drawing on strengths of individual team members to produce deliverables. The Team Leader will lead the process of drafting and finalising the evaluation documentation and maintaining effective communications with AHC. With the QTAG Program manager the Team Leader will ensure the quality and timely delivery of all evaluation deliverables and the efficient conduct of the independent evaluation

The International Justice Specialist will have particular responsibility to ensure that information is analysed within a conceptual understanding of law and justice, including law and justice service delivery at village level. They will draw from current debates and wider international experience, to propose analytics as well as identifying significant likely areas of challenge common to all law and justice system development. It is expected that the specialist will also be able to point to the necessary preconditions for sustained and effective change in the sector and able to identify likely signs or indications of that change (drawing from relevant international practice).

The Gender Specialist will focus on whether the program responds appropriately to what is known about different forms and prevalence of FSV, their underlying causes in the PNG context and the barriers that women and other vulnerable groups face in terms of protection and access to justice. Linkages between service provision, justice, protection and prevention will be explored. Program outcome two will be the key focus in terms of assessing how the programme responds to the needs of survivors of violence. However, gender perspectives will be explored across the other outcome areas, for example how men and women participate in dispute resolution, or whether there are gender-specific barriers to accessing legal services and holding providers to account.

The Papua New Guinea Justice Specialist will be nominated by the National Coordinating Mechanism, potentially a senior officer in the Department of Justice and Attorney General, and will play a role in ongoing analysis and interpretation of information received from stakeholders, particularly PNG personnel and local civil society and other in country respondents. It is expected this specialist will assist the evaluation team to understand how justice is understood and provided in the local context, including both formal and informal institutions and their evolution. They will be key to understanding 'why' outcomes have been achieved, or not, in any particular situation and 'why' particular ideas and strategies are, or are not, effective in any given context. This is a very significant role which will require the specialist to provide regular debriefing for the rest of the team following major meetings and data collection processes.

Additional to the in-country evaluation team:

A DFAT Canberra PNG Desk Officer will accompany the evaluation team be responsible for maintaining the Australian government policy and program perspective throughout the evaluation. This will require regular inputs around relevant aid policy and diplomatic priorities as well as identification of additional relevant DFAT and other stakeholders to be consulted. This will be an opportunity for the DFAT Canberra PNG Desk to build insights into the JSS4D.

The QTAG Monitoring, Evaluation and Learning Specialist will work with the Team Leader to ensure that the evaluation is conducted in a manner that meets DFAT's evaluation standards. The MEL Specialist will design the evaluation, develop data collection tools, train the Evaluation team in their use, manage, quality assure and analyse data, and be responsible for ensuring the evaluation meets its purpose.