

Policing and Justice Support Program (Vanuatu)(PJSPV) Program Design

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Acronyms

AAP	Australian Aid Program, Department of Foreign Affairs and Trade
ACWAP	Australasian Council of Women in Policing
AFP	Australian Federal Police
AFP PPDPR	Australian Federal Police Pacific Police Development Program Regional
ANS	Assessment of National Systems
APTC	Australia–Pacific Technical College
ARF	Adviser Remuneration Framework
ATPR	Annual Thematic Performance Review
CAVAW	Committee Against Violence Against Women
CD	Capacity Development
CD&L	Capacity Development and Leadership
CDM	Case and Data Management
CDNA	Capacity Development Needs Analysis
CM	Contract Manager
COM	Council of Ministers
COTS	Commercial Off the Shelf
CLE	Continuing Legal Education
CLT	Customary Lands Tribunal
CPA	Contractor Performance Assessment
CPWG	Child Protection Working Group
CRIMS	Criminal Response Information Management Systems
CSO	Civil Society Organisations
CSU	Corporate Services Unit, Vanuatu Police Force
DAC	Development Assistance Committee
DCO	Development Committee of Officers
DCP	Defence Cooperation Program
DCS	Department of Correctional Services
D&E	Design and Evaluation
DFAT	Australian Department of Foreign Affairs and Trade
DG	Director General
DWA	Department of Women’s Affairs
ECB	Evaluation Capacity Building
EOPO	End of Program Outcomes
FCA	Federal Court of Australia
FLJEP	Framework for Law and Justice Engagement with the Pacific
FPA	Family Protection Act
FPTF	Family Protection Task Force
FPU	Family Protection Unit
FTE	Full Time Equivalent
GoA	Government of Australia
GoNZ	Government of New Zealand

GoV	Government of Vanuatu
HOAG	Heads of Agency Group
ICES	Investigations, Community Engagement, and Systems & Processes
ICR	Independent Completion Report
ICRC	International Committee of the Red Cross
ICT	Information and communication technology
IDG	International Deployment Group, Australian Federal Police
IPAM	Institute of Public Administration and Management
IPR	Independent Progress Report
ISP	Implementing Service Provider
J4P	Justice for the Poor Program
JBE	<i>Jastis Blong Evriwan</i> , World Bank Justice for the Poor Program in Vanuatu
JCSSS	Justice and Community Services Sector Strategy
JSC	Judicial Services Commission
KAP	Knowledge, Practice and Attitudes
LES	Locally Engaged Staff
LSIP	Law Students Internship Program, University of the South Pacific
MDGs	Millennium Development Goals
M&E	Monitoring and Evaluation
M&E Unit	Monitoring and Evaluation Unit
MES	Monitoring and Evaluation Specialist
MFEM	Ministry of Finance and Economic Management
MJCS	Ministry of Justice and Community Services
MNCC	<i>Malvatumauri</i> National Council of Chiefs
MO	Monitoring Officer
MoIA	Ministry of Internal Affairs
MOU	Memorandum of Understanding
NACC	National Advisory Committee on Children
NDMO	National Disaster Management Office
NGO	Non–Government Organisations
NSO	National Statistics Office
NZ	New Zealand
NZ3P	NZ Partnership for Pacific Policing Programme
NZ MFAT	New Zealand Ministry of Foreign Affairs and Trade
ODA	Official Development Assistance
ODE	Office of Development Effectiveness, AAP
OECD	Organisation of Economic Co–operation and Development
OECD–DAC	The Development Assistance Committee of the Organisation of Economic Cooperation and Development
OGCIO	Office of the Government Chief Information Officer
OHCHR	Office of the High Commissioner for Human Rights
OIC	Officer in Charge
PAA	Priority Action Agenda

PC	Partnership Coordinator
PDPS	Professional Development and Professional Standards
PFM	Public Financial Management
PGS	Partner Government Systems
PICP	Pacific Islands Chiefs of Police
PICP WAN	Pacific Islands Chiefs of Police Women's Advisory Network
PILON	Pacific Islands Legal Officer's Network
PJDP	Pacific Judicial Development Program
PLAS	Planning Long Acting Short
PLP	Pacific Leadership Program
PMG	Partnership Management Group
PMO	Prime Minister's Office
PPDVP	Pacific Prevention of Domestic Violence Programme
PPO	Public Prosecutor's Office
PPP /3P	Pacific Policing Program
PSC	Public Services Commission
PSO	Public Solicitor's Office
PSU	Professional Standards Unit
RRRT	Regional Rights Resource Team
SCA	Save the Children, Australia
SCV	Supreme Court of Vanuatu
SLO	State Law Office
SPC	Secretariat of the Pacific Community
SPD	State Prosecutions Department
SRBJ	Stretem Rod Blong Jastis Program
STA	Short Term Adviser
TA	Technical Assistance
TL	Team Leader
TNA	Training Needs Analysis
ToR	Terms of Reference
TVET	Technical, Vocational Education and Training
UIB	Uniform Investigations Branch, Vanuatu Police Force
UNICEF	United Nations Children's Fund
UNV	United Nations Volunteer
UNWomen	United Nations Entity for Gender Equality and the Empowerment of Women
UPR	Universal Periodic Review
USP	University of the South Pacific
VAPP	Vanuatu Australia Police Project
VAW	Violence Against Women
VIPAM	Vanuatu Institute of Public Administration and Management
VLC	Vanuatu Law Commission
VLJP	Vanuatu Law and Justice Partnership

VLSSP	Vanuatu Legal Sector Strengthening Program
VMF	Vanuatu Mobile Force
VPF	Vanuatu Police Force
VPFCPB	Vanuatu Police Force Capacity Building Project
VWC	Vanuatu Women's Centre
WHO	World Health Organisation
WSB	Wan Smolbag
YEPP	Yumi Evriwan i Protektem ol Pikinini

Executive Summary

Title:	Policing and Justice Support Program (Vanuatu) PJSPV
Sector:	Policing, justice and community services sector
Goal:	<i>Jastis, sefti, digniti, rispek mo gud fasin blong evriwan &</i> Working together for a safe and secure Vanuatu
Purpose:	All policing, justice and community services to promote justice and provide fair and equitable services to meet the needs of the community, the rule of law and protection of human rights.
End-of-Program Outcomes:	Component 1, end-of-program outcome 1: 1 Networks within the VPF, justice and community services agencies influence positive change in work practices (VAPP & SRBJ) Component 2, end-of-program outcome 2: 2 The VPF and justice and community services agencies demonstrate improved service delivery to women, children and youth. Component 3, end-of-program outcome 3: 3.1 The VPF and justice and community services agencies use evidence to support improved responses to the needs of women, children, and youth. 3.2 The VPF and justice and community services agencies implement targeted initiatives that deliver better services to women, children and youth.
Indicative contribution:	\$A 13.7 million over two and a half years
Duration and Timing:	2 years and 6 months, 1 July 2014 to 31 December 2016

This design document describes the Policing and Justice Support Program (Vanuatu) (PJSPV), which is proposed to run for two and a half years, from 1 July 2014 until 31 December 2016. The design integrates Government of Australia (GoA) investment in the policing, justice and community services sector in Vanuatu by building on two existing GoA investments—the Stretem Rod Blong Jastis (SRBJ) program, also known as the Vanuatu Law and Justice Partnership (VLJP), and the Vanuatu Australia Police Project (VAPP). This document also represents the integration of two existing draft design documents from the respective programs. Both of these programs are currently scheduled to finish on

30 June 2014. The Department of Foreign Affairs and Trade's (DFAT) rationale for seeking this integration of programming is informed by a drive for greater efficiency, as well as for increased effectiveness.

The design is aligned with the Government of Vanuatu's (GoV) planning and reform agenda, as articulated through the Priority Action Agenda 2006–2015 (PAA), Planning Long Acting Short 2013–2016 (PLAS) and the Justice and Community Services Strategy (JCSSS).

The PJSPV will be a partnership between two separately managed component parts (policing and justice and community services) that will work closely and collaboratively under the direction and oversight of DFAT. SRBJ will be managed by an ISP (managing contractor), while VAPP will be managed by the Australian Federal Police (AFP). The ISP will maintain the high level of financial management, human resource management, contract management, quality assurance, planning, and review and resource allocations systems established under Stage One of SRBJ. The AFP will continue to manage the VAPP program in keeping with AAP and internal AFP requirements.

The design describes how the VAPP will work in a co-ordinated and collaborative manner with the SRBJ program in order to achieve the goals of the integrated PJSPV design. The indicative activities, and End of Program Outcomes (EOP), specified in this design are structured adaptively around the three components originally devised in the SRBJ draft design, namely coordination, collaboration and communication; capacity development and organisational development, and thematic integrated support targeted at protecting children, justice pathways for women, and working with youth in conflict with the law. The PJVSPV design resists a simple top-down, supply driven approach but works both from a top-down and bottom-up, demand driven direction, at times targeting both simultaneously to magnify results. This occurs across the three components.

The SRBJ and VAPP elements will link on a range of significant programming endeavours while also maintaining the flexibility to respond to the different identified needs of policing and the justice and community services sector. The SRBJ element emphasises cross-sector collaboration and capacity development across five different levels in order to drive improved service delivery, in particular to women, children and youth. Specific identified needs of the VPF mean VAPP will focus on their Corporate Services Unit and Public Financial Management, Professional Standards, Professional Development, Investigations, Systems and Processes, Community Engagement and Gender in the VPF.

The 'policing' investment will consist, initially, of:

- Three in-country AFP advisers who will work closely with SRBJ development practitioners;
- A new across-sector position focussing on public financial management;
- Three locally engaged staff (LES);
- A new case and data management system to improve performance;
- Continued financial support for non-salaried operational and maintenance activities ('the fund'); and
- Additional opportunities for the VPF to access advisory support and professional opportunities.

Working together will make the most of both the AFP's extensive policing experience and relationships *and* SRBJ's coordinated, context specific and evidence-based approach. Combining efforts creates a number of important synergies, and makes available to the VPF a much wider range of opportunities.

Fourteen point nine million AUD has been budgeted for the activities described in this PJSPV investment design. Approximately 55 percent of this allocation will be earmarked for the SRBJ component and 45 percent will be allocated for the VAPP component. A detailed indicative budget for both the SRBJ and VAPP components will be provided to DFAT, separate from this design document. The percentage allocation of positions shared between the two components will need to be agreed and confirmed.

It is recognised that a high proportion of the PJSPV budget is allocated to technical assistance. This is a reflection of the early stage of programming and the relatively limited pool of high-level technical people in a small island state.

Australia's national interest is well supported by investment in policing, justice and community services programming in Vanuatu in a number of ways including through the promotion of democratic values, human rights and the rule of law. Through progressing the identified needs of women, children and youth the investment promotes stability by reducing vulnerability, poverty and risk; and through providing a more effective and accountable legal system it provides for an improved environment for investment and economic growth. The design supports the regional and development priorities of the GoA to assist 'effective law and justice systems' that 'promote regional security, increase international confidence and help attract foreign investment' which also facilitate regional public goods including crime prevention, victims support and human rights within the country and also reduction in transnational crime, tax evasion and drug trafficking in the region.

AFP members also deliver direct support to Australia's national interest in ways not able to be delivered by privately contracted advisors including very close association at a police-to-police level with the highest echelons of partner nations police services. AFP association with the highest level of Vanuatu's security forces leads to a range of positive outcomes including awareness of institutional and national policy, Members who are pre-positioned, have high level relationships and local awareness in cases requiring Australian support to humanitarian and disaster support, building of long-term police-to-police relationships that may develop into productive transnational crime cooperation with mutual benefit.

The design integrates well with other AAP support to Wan Smolbag and the Vanuatu Women's Centre and harmonises with other regional and multilateral programs within the sector, some of which are also AAP funded. The design recognises that the two systems of formal and customary justice (*kastom*) do not function in complete isolation or in parallel from each other but rather are interwoven in many and sometimes-invisible ways and this informs the approach of the design.

A rigorous monitoring and evaluation framework is required to ensure appropriate oversight of the expenditure of Official Development Assistance (ODA). This will be produced in the first three months of the program. SRBJ already has a strong commitment to program monitoring. Two positions within the program (an M&E specialist and a locally engaged monitoring officer) are dedicated to ensuring that programmatic work is captured. SRBJ will ensure that activities in the police component are also captured, with an additional Monitoring Officer dedicated to this purpose. As per whole-of-government uniform standards regarding the evaluation of overseas development assistance programs, PJSPV will be subject to a comprehensive independent mid-term evaluation (2015).

To maximise use of partner government systems (PGS) in Vanuatu, AAP has carried out a detailed sector assessment of the VPF and the MJCS in May 2013. The design has responded to the recommendations emerging from the assessments with the inclusion of the PFM Adviser position that will work across MJCS and VPF

A PJSPV risk matrix outlines a range of development and context risks; implementation risks and reputational/institutional risks; assesses their potential impact on EOPOs; and suggests mitigation measures. The risk matrix will be reviewed and revised as required.

1. Introduction

This design document describes the shape and form of the Policing and Justice Support Program (Vanuatu) (PJSPV)¹, which is proposed to run for two and a half years, from 1 July 2014 until 31 December 2016. The design integrates Government of Australia (GoA) investment in the policing, justice and community services sector in Vanuatu by building on two existing GoA investments – the Stretem Rod Blong Jastis (SRBJ) program, also known as the Vanuatu Law and Justice Partnership (VLJP), and the Vanuatu Australia Police Project (VAPP). Both of these programs are currently scheduled to finish on 30 June 2014.

The Department of Foreign Affairs and Trade's (DFAT) rationale for seeking this integration of programming is informed by a drive for greater efficiency, as well as for increased effectiveness. The design is aligned with the Government of Vanuatu's (GoV) planning and reform agenda, as articulated through the Priority Action Agenda 2006–2015 (PAA), Planning Long Acting Short 2013–2016 (PLAS) and the Justice and Community Services Strategy (JCSSS).

This design document also represents the integration of two existing draft design documents. The first document was produced for Stage Two of the SRBJ program in June 2013 (and updated in April 2014) as a stand-alone design document prior to the Australian Aid Program's (AAP) decision to proceed with integrated programming,² and the second document was completed in May 2014 as a sub-design for the policing component of an integrated design. This process is detailed below.

This design describes the ways in which Australia will support the policing, justice and community services sector, to progress towards the vision outlined in the GoV Justice and Community Services Sector Strategy (JCSSS), namely *jastis, sefti, digniti, rispek mo gud fasin blong evriwan*. The design also reflects the Vanuatu Police Force's (VPF) vision of 'working together for a safe and secure Vanuatu'.

The design describes how the Australian Federal Police's (AFP) VAPP will work in a co-ordinated and collaborative manner with the SRBJ program in order to achieve the goals of the integrated PJSPV design. The indicative activities, and End of Program Outcomes (EPOO), specified in this design are structured adaptively around the three components originally devised in the SRBJ draft design, namely coordination, collaboration and communication; capacity development;³ and thematic integrated support targeted at protecting children, justice pathways for women, and working with youth in conflict with the law.

The design reflects, and builds upon, the programmatic approach of SRBJ, which scales up activities from a sound evidentiary base, with an emphasis on research and piloting. It builds upon the strong peer-to-peer relationships between AFP and VPF, and accords with the AFP's own doctrine for police development, with its focus on leadership, operational capacity and enabling services⁴

¹ The PJSPV is the umbrella-name that DFAT use to describe Australia's support to the wider law and justice sector. It is anticipated that the existing names Stretem Rod Blong Jastis (SRBJ) and Vanuatu Australia Police Project (VAPP) will continue.

² It is noted that the SRBJ draft design was provided to AAP in June 2013 as a completed design document. Similarly the policing component that was provided to DFAT in May 2014 was referred to as a sub-design. In this integrated design document both the SRBJ design and the policing sub-design are referred to as 'draft' designs, where appropriate, for ease of reference, and to distinguish them from the final integrated design.

³ Component 2 is broadened in this integrated design to encompass organisational and capacity development.

⁴ International Deployment Group, 2013, Strategic Framework for Police Development p.12.

The document is divided into four substantive sections. The first section briefly describes the methodology used to develop the two draft designs and amalgamate them into an integrated design, and the next section describes the background and context within which the investment will take place. The third section defines what the investment will accomplish, the resources allocated to it and how progress will be measured. The fourth section sets out the implementation arrangements. The document's annexes elaborate further on the detail provided in the text.

2. Design preparation methodology

This section describes the respective methodologies employed in the preparation of the SRBJ Stage Two draft design and the policing component draft design. The Design/M&E Specialist for the policing sub-design (who also works as the M&E Specialist for SRBJ) then undertook the integration of these draft designs in May 2014, in consultation with DFAT, SRBJ and AFP.

The **SRBJ Stage Two draft design** was developed by the in-country SRBJ team with support from the managing contractor.⁵ It built upon an initial design in September 2011 that provided the broad framework for SRBJ including its division into two Stages; Stage One as a 'design and implement phase' of 14 months and Stage Two as an 'implementation phase' of two years and nine months.⁶

The SRBJ Stage Two design methodology was developed through an iterative process based on the original design; discussion of draft terms of reference provided by AAP in Port Vila in December 2012; development of agreed table of contents; and ongoing advice provided by the consultants to the AAP Evaluation Capacity Building (ECB) Program being implemented in Vanuatu. SRBJ was asked to prepare a draft program design for Stage Two, according to AAP quality standards.⁷ Following submission of the draft design, SRBJ provided a briefing and opportunities for questions and consultation with the Director-General, Ministry of Justice and Community Services (MJCS) and the Heads of Agency Group (HOAG). The DFAT ECB Program consultant provided feedback on the draft design, which was responded to and assimilated in the finalised draft design, primarily by strengthening the basis for monitoring and evaluation. The design was further refined and updated in 2014 in preparation for and as a result of the integration of the police-related activities and design.

The SRBJ draft design comprises a merging of activities, planning, assessment and research conducted during SRBJ Stage One, together with continuous consultations and participation by the SRBJ team in a number of fora, that supported the identification of appropriate priorities and modes of support for Stage Two. The draft design was supported by:

- The development of the JCSSS by the HOAG with strong support by a dedicated Task Force, several working groups and the leadership of the former Director-General of the MJCS. The approach of the SRBJ is based on supporting the priorities articulated by the sector through the refinement of the JCSSS.

5 This included support of a design budget adviser and independent reviewers, Dr. Livingston Armytage & James McGovern.

6 AusAID, Stretem Rod Blong Jastis, Vanuatu Law and Justice Partnership Design Document (Final) September 2011.

7 DFAT IET and Pacific Branches Evaluation Capacity Building Program Monitoring & Evaluation Standards (2014 version).

- Capacity assessments at individual, institutional and sectoral levels together with three–five year agency capacity development plans and a sectoral capacity development strategy (the most recent version is available at Annex 4)
- The AAP Partner Financial Management (PFM) risk assessment and its recommendations⁸
- Challenges and strengths at agency level within the formal sector identified with input from long term advisers for the Public Solicitor’s Office (PSO) and the State Prosecutions Department (SPD);
- An early assessment of the information available regarding current backlogs and delay within the formal justice sector, together with the *Preliminary Diagnostic Assessment on Case and Data Management* of the Sector (Annex 6) and an updated presentation on Case and Data Management to the HOAG in November 2013 (Annex 7).
- Two thematic case studies; Access to justice for women experiencing family violence in Malekula; and Access to justice for urban youth in conflict with the law in Port Vila. (Executive summaries are attached at Annexes 8 and 9) together with follow up research on Community Mobilisation approaches that may be appropriate to Vanuatu; Kastom and Human Rights and a draft Staged Approach to the pilot in Malekula.⁹
- Evaluation of the Save the Children (SCA) Yumi Evriwan i Protektem ol Pikinini (YEPP) Community Engagement tool and subsequent discussions with Save the Children in Vanuatu and at head office in Melbourne.

The MJCS and the sector requested a design that supported the identified priorities of the sector and supported the capacity of the MJCS to facilitate progress of those strategies articulated in the JCSSS. AAP asked for a design that included analysis and strategic context, theory of change and program logic, program description and implementation arrangements.¹⁰ In addition, AAP requested that the program design encompass to a much greater extent than it had in Stage One, support for the VPF.¹¹

The process involved:

- Synthesis of the information derived from the activities, planning, assessment, evaluation and research conducted during Stage One;
- deepened understanding of context in Vanuatu;
- application of lessons – both regional and international – with respect to the successes and failings of law and justice interventions specifically and development more broadly;
- cognisance of the donor’s strategic and developmental goals and policy frameworks; and consideration of what is pragmatic and achievable building on the strengths of Stage One.

8 Assessment of the Law & Justice Sector and Vanuatu Police Force Public Financial Management Systems, Vanuatu Draft Report, June 2013.

9 Concept Note on Kastom and Human Rights, Concept Note on Community Mobilisation; Staged Plan for the Malekula Pilot.

10 Agreed table of contents 2 May 2013.

11 Meeting of 3 May 2013 between the SRBJ Partnership Coordinator and the Senior Program Manager – Law and Justice, Australian Aid.

The sub–design for the policing component was developed by a design team, contracted by DFAT.¹² The respective responsibilities of the team members are outlined in the Terms of Reference (ToR) at Annex 1.

The team provided a design methodology to DFAT prior to arrival in Vanuatu for the in–country mission, held between 24 February and 7 March 2014 in Port Vila. A list of meetings conducted as part of the sub–design is at Annex 2.¹³ In their work, the team used a mixed–method approach comprised of (i) document review and analysis (ii) fieldwork comprising semi–structured interviews, a number of group meetings, and field visits and observations. This approach enabled the use of various complementary approaches to ensure triangulation of data collected, as well as deepening the team's understanding of findings. Findings were verified, double checked, and triangulated through:

- Data culled from a variety of sources;
- The use of multiple perspectives to interpret the data;
- The use of a team of designers, each of whom comes to law and justice development from a unique standpoint;
- A range of analytical approaches; and
- Participatory techniques.

The team consulted documents from a wide range of data points. Prior to the in–country mission key reference documents were provided to the team by DFAT. The team also sought out other relevant material relating to police development and broader law and justice issues in Vanuatu, including bilateral and multilateral donor reports and reviews, and relevant academic, scholarly and policy material. The team scrutinised these documents in order to further appreciate the context behind police development in Vanuatu. In particular, the team reviewed the SRBJ Stage Two draft design with respect to its current support for VPF, its objectives and intermediate outcomes and and EOPO. DFAT provided the team with an indicative annual budget envelope for the policing activities, which guided the scale of the sub–design. The VAPP advisory cadre developed a concept note outlining their visions for future programming.

The team adopted a facilitative, consultative and participatory approach. Team members explored ways that the three SRBJ design components and EOPOs can be strengthened by VPF involvement where desired and appropriate, while addressing VPF identified needs and priorities. The team sought to identify points of intersection, mutual institutional benefit, and areas of efficiency.

12 The design team comprised Gordon Peake, Team Leader & Law and Justice Specialist; Bu Wilson, Design/Monitoring and Evaluation Specialist; Mardi Grundy, AFP representative; Michael Hawley, AFP representative (Week 1); Rowena Penfold, AFP representative (Week 2) and Helen Corrigan, DFAT representative. Superintendent Michael Hawley represented the AFP during the first week of the mission and was replaced by Sergeant Rowena Penfold during the second week, while telephone and email contact was maintained with Superintendent Hawley for the purpose of continuity and advice for the remainder of the mission.

13 In order to undertake as many interviews as possible, the sub–design team usually split into two teams of two. On some occasions members of the VAPP accompanied the team. Team meetings were usually held at the beginning and end of each day to run through refinements to key questions, and to debrief on the findings of each interview team. A number of opportunities also arose for group meetings including with the Youth Justice Forum, VAPP Advisers and SRBJ Advisers. Analysis of interview data occurred on an ongoing and iterative basis.

The team was guided by a reference group, comprising the Vanuatu Commissioner of Police, Counsellor DFAT Australian Aid programs, Director General Ministry of Justice and Community Services, Director General Prime Minister's Office, Director General Ministry of Internal Affairs, Director Ministry of Finance and Economic Management, Team Leader VAPP and Team Leader SRBJ. The team stayed in regular contact with DFAT, SRBJ and VAPP personnel and the Police Commissioner to discuss progress. On its final day in country, the team presented an aide-memoire outlining its initial findings (Annex 3). A sub-design elaborated on the ideas presented in the aide-memoire, taking into account valuable written feedback received.

3. Context description

This section commences by outlining Australia's national interest in making an investment in policing, justice and community services programming in Vanuatu, then details the history of Government of Australia (GoA) support provided separately to justice sector development and police development in Vanuatu, and notes other current bilateral assistance to both these areas. It continues with an explanation of Vanuatu's national development context more broadly and its justice and community services sector more specifically.

The section goes on to summarise key challenges, and outline lessons learnt and entry points for the AAP in the policing, justice and community services sector. It continues with an examination of cross cutting issues pertinent to policing, justice and community services programming in Vanuatu.

Australia's national interest

Australia's national interest is well supported by investment in policing, justice and community services programming in Vanuatu in a number of ways. This investment promotes democratic values, human rights and the rule of law. The design meets all four criteria of the Comprehensive Aid Policy Framework, and supports two of the Aid Framework's strategic goals, being targeted and mainstreamed support for women and children (strategic goal 2); and improved governance to deliver better services, improve security and enhance justice and human rights (strategic goal 4).

The design resonates with the Government of Australia's (GoA's) *Framework for Law and Justice Engagement with the Pacific*. The increased focus on women through component 3 is aligned with three of the ten development objectives of *An Effective Aid Program for Australia*, which specifically address gender equality and the empowerment of women. It also aligns with three of the four pillars around which the GoA's interventions on gender equality and women's empowerment are organised, as described in AAP's *Promoting opportunities for all – Gender equality and women's empowerment*.

The design integrates well with other AAP support to Wan Smolbag and the Vanuatu Women's Centre and harmonises with other regional and multilateral programs within the sector, some of which are also AAP funded.

The design supports the regional and development priorities of the GoA. It supports the GoA's desire to assist 'effective law and justice systems' that 'promote regional security, increase international confidence and help attract foreign investment'¹⁴ which also facilitate regional public goods including crime prevention, victims support and human rights within the country and also reduction in transnational crime, tax evasion and drug trafficking in the region.

¹⁴ Framework for Law and Justice Engagement with the Pacific. p. 1.

Through progressing the identified needs of women, children and youth the investment promotes stability by reducing vulnerability, poverty and risk; and through providing a more effective and accountable legal system it provides for an improved environment for investment and economic growth. It strengthens the government to government and people to people links between Vanuatu and Australia, allowing both countries to perform their roles as good global citizens.

AFP members also deliver direct support to Australia's national interest in ways not able to be delivered by privately contracted advisors. This includes very close association at a police-to-police level with the highest echelons of partner nations police services. In the immediate region; a lack of military services means that this translates to association with the highest level of security forces. This association leads to:

- Awareness of institutional and national policy
- In some instances an opportunity to positively influence institutional and national policy
- Confidence building in times of conflict.
- Members who are pre-positioned, have high level relationships and local awareness in cases requiring Australian support to humanitarian and disaster support
- The building of long-term police-to-police relationships that may commence with capacity building but may, in years to come, morph into productive transnational crime cooperation with mutual benefit.
- High level knowledge of current Australian approaches to international policing including an awareness of development requirements.
- Direct support from IDG headquarters, including on matters such as policy development, training and access to specific skill sets.

As a final reflection, it is important to note that the bilateral relationship between GoV and GoA with respect to development aid has been sensitive and those sensitivities have intermittently been focussed on the law and justice sector.¹⁵ On 10 May 2012 the VAPP was expelled; and there was criticism in the media of the motivation for the AAP funded Mama Graon (now Vanuatu Land) program. This relationship was also affected by internal divisions in the VPF, which at one time saw a large number of officers suspended from duty. However, this sensitivity may now be less acute since the conclusion of the national elections and the change of government in Vanuatu. A degree of sensitivity has been a characteristic of the bilateral relationship for some time now and needs to be factored into the programming approach.

Stretem Rod Blong Jastis and Australian Support to the broader Law & Justice Sector

From 2000 to June 2011 support to the broader law and justice sector was provided through the Vanuatu Legal Sector Strengthening Program (VLSSP). This support focused on developing the capacities of the individual agencies and institutions within the formal sector, with some incremental shift during its last phase to sector wide initiatives. Stage One of SRBJ commenced in March 2012, has been extended on two occasions, and like the current VAPP project, is due to finish on 30 June 2014. Under SRBJ, AAP has changed its focus to one that is a whole-of-system approach.

¹⁵ This is evidenced by the expulsion of AusAID funded advisers from the law and justice sector under the previous Australian Aid funded Vanuatu Legal Sector Strengthening Program.

Stage One of SRBJ has generated a number of accomplishments. The program facilitated the production of the GoV's JCSSS for the whole sector, including police, which was endorsed by the Council of Ministers in May 2013. The JCSSS sets the direction for the sector by establishing key strategies to resolve major challenges which, when achieved, will improve service to the community. It enables the many and disparate justice sector agencies to focus collaboratively on common cross cutting issues and best use common resources. The JCSSS is consistent with the GoV's emphasis on integrated planning and streamlined implementation in the law and justice sector. Arising out of the JCSSS, SRBJ provided support for the development of eight cross sectoral working groups, which currently include four VPF members. SRBJ support has also been provided to enable sectoral agencies to develop and cost their 2013 and 2014 business and annual plans, improve their associated monitoring and evaluation, and improve and complete their GoV reporting obligations.

During Stage One, SRBJ completed a capacity development strategy that operates at five different levels (individual, functional sub-groups, agency, cross-sector, stakeholder to sector) which is in the early stages of implementation across the sector (with the exception of police). The framework includes a number of key evidence-based capacity development interventions including the Women in Leadership mentoring program; functional group support in the areas of financial management and human resource management; and piloting an integrated institutional strengthening approach with the SPD. Full-time advisory support continues to be provided to the PSO and the SPD. SRBJ Case and data management support has provided a baseline of the current position of case and data management across the sector; an indicative plan has been developed on how to advance case and data management across the sector over a period of two years, and there has been involvement in strengthening of the VPF CRIMS database.

During Stage One financial support was provided by SRBJ to Save the Children Australia (SCA) for child protection work, in particular to pilot the use of the participatory YEPP tool.¹⁶ SRBJ is supporting a small grants facility for sector partners and has since inception, disbursed a total of approximately A\$1.1 million for a wide range of activities.

The SRBJ Stage Two draft design was completed in June 2013 and is now reflected in this integrated design. This includes a continued focus on implementation of a whole-of-sector program of support to the justice and community sector in Vanuatu, structured around three integrated components, which build on and strengthen the three components of Stage One of SRBJ.

Australian support to Policing in Vanuatu

Since the 1980s Australia has supported police development in Vanuatu through a series of development projects. These projects have been implemented through a mix of managing contractors and Australian police personnel.¹⁷ The AFP has been implementing the project since 2006 with the latest iteration of support being the VAPP. The VAPP has largely concentrated upon

16 An evaluation of the YEPP tool was completed in April 2014. The findings of the evaluation and subsequent discussions will inform future engagement in child protection work. The Executive Summary of the evaluation is at Annex 10.

17 Senior VPF officers told the sub-design team that they had worked well with both managing contractors and Australian government employees and were unconcerned from what source advisors and funding was provided. One senior officer told the team 'we don't have any issue with contractors'.

supporting the areas of the VPF engaging in general duties policing. VAPP has had two separate phases:

- A programme from 2009 to May 2012, which was suspended following the Government of Vanuatu's decision to close all AFP operations in various government law enforcement agencies
- An 'interim' program that has been operating from April 2013 to present

The tasks of the AFP for the interim program are set out in an aide-memoire agreed between the Governments of Australia and Vanuatu. These tasks are:

- Working on internal governance and disciplinary issues within VPF
- A final round of workforce renewal
- Funding the construction of three police posts
- Continued financial support for the VPF boat
- A non-salary operational and maintenance fund
- Completing a radio communications project
- Completing a firearms registry program
- Conducting a training needs analysis
- Co-ordinating other Australian aid to the police

The aide-memoire provided for \$A100, 000 for non salary operations and maintenance costs, dependent on the GoV providing a costed and prioritised strategy for using the resources to improve policing services; and \$A140, 000 for support for the coastal patrol vessel *RVS Turoroa* for remote policing.

Three VAPP personnel, comprising a team leader and adviser to the Commissioner, an operations adviser and a project officer, have been working on fulfilling these tasks. This program was always conceptualised as a stopgap 'interim' phase pending a subsequent design.¹⁸ Since their return, AFP advisers have re-forged strong bonds with VPF, with VAPP advisers noting that VAPP had a 'highly recognised and respected name' throughout the islands. Many of the tasks specified in the April 2013 aide-memoire appear on the road to being accomplished. A final workforce renewal program has been completed, enabling long-serving officers to be pensioned off and younger cadets to be hired without increasing overall personnel costs. The firearms registry project was successfully completed. The boat is back in the water. All three planned police posts have been opened. Outstanding items at the time of the sub-design were the training needs analysis and completion of the radio communications project. The training needs analysis will not be completed in the interim VAPP; the adviser responsible reports he has insufficient time to finalise the project.¹⁹ SRBJ have agreed to take on this task once the PJSPV program begins in July 2014.

VAPP support has generated a number of accomplishments, with most of the reported outcomes generated through the non-salaried operational and maintenance fund. For example, funding provided by the operational fund enabled the Uniform Investigation Branch (UIB) to 'nearly halve the files on hand in the last three months from 552. An operation supported by VAPP in October

18 The AFP's contribution to the Vanuatu Australia Police Project (VAPP) is fully funded by DFAT as per ROU No14378/Schedule No.28 – Variation No.1 between DFAT and AFP in relation to VAPP. The agreement expires on 30 June 2014.

19 Email provided to the policing sub-design team dated 13 March 2014.

saw over 220 of these cases finalised over a ten day period'.²⁰ The fund appears to have re-enabled the VPF to project a wider geographical reach, which means communities receive more policing services. However, although a valuable, and highly valued, tool for the VPF, managing and overseeing the fund appears to take up a large portion of advisers' time.²¹ The cost of staff time managing the fund would appear to far exceed the amount of monies in the fund. There are clear efficiencies to be gained in a recalibrated and less cumbersome approach that would free up extra time for police advisers to impart their policing skills. There is still further progress that can be made in leveraging the fund to encourage better forward planning by the VPF, and reporting that provides a clearer picture of how money has been spent.²²

Away from funding, there would appear to be a number of instances where VAPP advisers have leveraged their influence for good programmatic outcomes. In late 2013, 'through liaison with C-VPF and Director National Disaster Management Office, VAPP was able to secure the installation of a HF Radio system within the office of NDMO'. The initiative, according to VAPP reporting, 'has greatly improved their working relationships and response to disasters around the country'.

20 IDG Quarterly Performance Report Vanuatu Australia Police Project October–December 2013

21 Another imposition on staff time is, reportedly, dealing with paying bills for 'on-costs' such as rent, phone, Internet and utilities.

22 It is noted that VAPP does not entirely agree with this assessment. VAPP informed the sub-design team that 'it is becoming more apparent that VPF, through this process, are assessing the minimum requirements across different funding purposes for an operation and contingencies more often as opposed to asking for a large arbitrary figure. These discussions are required to develop planning and rationalising funding requirements.' If this is happening, this is a significant outcome, which should be lauded. The problem, however, is that the VAPP use no indicators to gauge improved planning or more sensible programming requests. It may be apparent to VAPP staff but it is not at all apparent via their monitoring or reporting systems. Evidence of forward planning of operations and maintenance requirements, including rationalisation of small reactive requests into larger, considered requests would help gauge improvement.

Other support for policing, justice and community services in Vanuatu

There are a number of donors and programs working within the policing, justice and community services sector in Vanuatu with whom PJSPV will harmonise its support and additionally provide support to the MJCS to strengthen its efforts to coordinate donors' assistance.

The table below sets out in brief the focus of support of other programs and donors providing support to the sector:

<i>Bilateral Assistance</i>	
Ministry of Foreign Affairs and Trade (MFAT) NZ Aid Programme	Government of New Zealand (GoNZ) are in the process of redesigning support to the Department of Correctional Service. It is anticipated that TA support will continue although the skill set may change. Post 2014 NZ has indicated willingness to consider infrastructure refurbishment of current Corrections facilities (including the administrative office) and possibly re-build one facility. This work is dependent on the development of a detailed infrastructure plan by Department of Correctional Service that is supported by the MJCS and acceptable to GoNZ. GoNZ also provides an in-line judicial officer to the Supreme Court of Vanuatu, which it will be continuing. The existing judge was replaced in the first quarter of 2014.
Vanuatu Land Program	Between 2011 and 2013 the Mama Graon Vanuatu Land Program, as it was then known, supported a wide range of activities covering both customary and formal aspects of land administration. Since the beginning of 2013, and based upon the lessons learnt during the first 2 years of the program, activities have been refocused towards supporting the Ministry of Lands and Natural Resources with improving core land administration functions namely surveying, land registration and valuation, while at the same time continuing to provide support for selected customary land activities and the work of the Malvatumauri (The National Council of Chiefs). The Program has been renamed the Vanuatu Land Program. The scope of the program has been refined in order to create a key land administration infrastructure that can provide support for: • major infrastructure projects that are in the pipeline, such as those under the purview of the Major Projects Unit • land administration initiatives identified by the Minister of Lands as being strategic in fighting corruption and addressing deficiencies in current land administration practices and procedures • areas where the greatest successes have been achieved to date, principally based on the achievement of end-of-program outcomes.
Save the Children Australia (SCA)	Save the Children Australia were supported by SRBJ for an eighteen-month period to pilot an approach to child protection including through the use of the YEPP tool, in addition to capacity development of key stakeholders and support to national stakeholders. The community engagement work has been evaluated. Some significant flaws have been identified and the program is currently being reviewed and redesigned.

Live and Learn	Live and Learn also has a focus on strengthening the participation of children in development and particularly in the building of peaceful and inclusive societies in their program in Vanuatu. Between late May and mid June 2014 Live and Learn will pilot a four-week Respectful Relationships program with the U17 Vanuatu Cricket side. Two staff from Wan Smol Bag (WSB), with experience in delivering programs on domestic violence and sexual and reproductive health will be facilitating the program at WSB. The program covers topics such as gender inequity, masculinity, VAW and the law, definitions of violence and discussions of being an active bystander, all of which contribute to the idea of a 'good man', as defined by the participants.
<i>Regional Assistance</i>	
United Nations Entity for Gender Equality and the Empowerment of Women (UNWomen)	UNWomen is implementing the regional program: Advancing Gender Justice in the Pacific (and has recruited an in-country manager for the program), which will focus on: • Women's access to justice through improved human rights monitoring and adoption of gender responsive informal and formal legislative processes in compliance with international human rights norms and standards; • Improved quality of governance, through increased women's transformative political participation in informal and formal systems; and • Increased efficacy in budgeting and planning by integrating gender responsive principles.
United Nations Children's Fund (UNICEF)	UNICEF assistance 2014–2017 will include: Support to the child protection legislative policy paper as planned in the 2014 work plan. This involves providing technical support to the MOJCS and LRC to review options for law reform in relation to a children's act or other mechanisms, and develop a policy paper to guide future work in this area. This should be completed by first quarter 2015 at the latest. • Continued support to civil registration, particularly strengthening of birth registration to increase coverage to at least 80% for children under 5 and reduce rural–urban disparities between now and end of 2017. • Conduct with partners a national prevalence study on violence against children, building on the methodology develop globally by UNICEF and CDC. UNICEF and CDC have developed a robust methodology for conducting prevalence studies, including physical, emotional and sexual violence and studies have been carried out in a number of countries (Tanzania and Cambodia are two examples). The study will help inform and guide policy, legal reform and service delivery.

Pacific Domestic Violence Program (PPDVP)	PPDVP is a MFAT NZ funded regional police program, which is a joint initiative of the New Zealand aid programme, NZ Police, and the Pacific Islands Chiefs of Police (PICP) organisation. On 1 July 2012 agreement was reached between these organisations that PPDVP will provide a second phase of delivery to 30 June 2016. ²³ As one of PPDVP's five 'tier one' countries Vanuatu has a specific in country programme supported by NZ Police mentors. The three key work areas of the PPDVP for Phase 2 are: • country specific Knowledge, Attitudes and Practice (KAP) data established and action plans developed, including standard reporting protocols and tools developed and established; • domestic violence mentoring and training delivered by skilled police officers; and • Pacific Police Service and partner's information exchange protocols agreed, and engagement activities with partners and community developed.
Partnership for Pacific Policing (3P) Program (NZ3P)	NZ3P is a MFAT NZ funded regional policing program, the focus of which is on support for community policing within the Pacific. The objective of the program is to support and facilitate the strengthening of community policing in-country. Key priorities in the 3P Work Plan and Budget for Vanuatu for 2014 include: • Data Quality and Analysis Reporting Training • Pacific Prosecutor Development Programme • Continuation of the Community Policing Programme • Train the Trainer course • Continuation of the Pacific Islands Senior Leadership Course • Ethics and Human Rights training • Pacific policing skills course
Pacific Judicial Development Program (PJDP)	PJDP targets support at the judiciaries of the Pacific Island Forum Secretariat members. It is a regionally-owned judicial leadership network which is well-established and demonstrably resilient over the past 15 years. The current phase, between July 2010–June 2015, is being funded by NZ's MFAT. The Program complements Australia and New Zealand's country-based law and justice programs in the Pacific by providing assistance to numerous smaller islands which otherwise might not be feasible. PJDP is structured around the four thematic pillars used in the earlier phases: • Access to justice • Governance; • Registry systems and processes; and • Professional development.
Pacific Leadership Program (PLP)	The Pacific Leadership Program supports established and emerging leaders, organisations and coalitions in Tonga, Samoa, Solomon

²³ The Australian Federal Police–Pacific Police Development Program Regional (AFP PPDPR) joined PPDVP from 2013 to provide assistance and support in Micronesia and in some other Pacific countries.

	Islands and Vanuatu as well as Pacific regional organisations. The program is based on the principle that sustainable development and reform in the Pacific is most effective when led by the collective efforts of committed Pacific islanders. The program is collaborating significantly with Pacific Women Shaping Pacific Development to support women leaders and is also supporting civil society leadership in Vanuatu.
Regional Rights Resource Team (RRRT)	RRRT provides human rights training, technical support, and policy and advocacy services tailored specifically for the Pacific region. Based in Suva, Fiji, RRRT has programmes across the Pacific Islands, with partners including governments, regional and civil society organisations. RRRT is guided by the Pacific Leaders' vision in the Pacific Plan of 2005, to 'seek a Pacific region that is respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values and for its defence and promotion of human rights'. In Vanuatu there is a RRRT funded officer working within the DWA who provides a variety of support to that office with respect to the implementation of the Family Protection Act and the GoV's human rights obligations (such as drafting of Vanuatu's shadow reports for conventions under the auspices of MJCS including CPRD).
Multilateral Assistance	
Jastis Blong Evriwan (JBE) (World Bank Justice for the Poor (J4P) program)	The JBE program in Vanuatu has focused on equitable development and access to justice through constructive engagement and interaction between formal and customary systems of governance, with a focus on land. Activities involved research into land leasing issues, the facilitation of policy dialogue, and understanding community decision-making and dispute resolution processes to contribute to the better understanding and improvement of justice and service delivery in Vanuatu. The three main areas of work have been on: • Land leasing; • Land, justice and infrastructure; and • Urban land governance. JBE has recently been intensively designing the Fair Land Dealings Program with relevant stakeholder in the Ministries of Land and Justice and Community Services. The program seeks to ensure informed decisions around leasing with custom landowners. The program's funding for implementation was removed following the change of government in Australia. However the World Bank has recently located alternative funding from Japan, which will allow this program to move into the implementation phase.
Office of the High Commissioner for Human Rights (OHCHR)	OHCHR is assisting MJCS to implement the Universal Periodic Review (UPR) recommendations, which have been accepted by the government in 2009. It focuses on recommendations concerning torture prevention (including the implementation of the UN Convention against Torture), and the establishment of a national human rights institution. Part of the project is to deploy an international United Nations Volunteer. Key activities are: • Supporting MJCS to develop an overall strategy for

implementing the UPR recommendations. This has been done through the UPR National Consultation Workshop in March and establishing a national human rights co-ordination body.

- Assisting MJCS to improve the treatment in, and conditions of, detention, through having regular independent monitoring of detention facilities (by the External Inspection Team) and supporting human rights training for law enforcement officials.
- Assisting the government to implement the Convention against Torture through carrying out a legislative review and preparing its initial treaty report
- Assisting to set up a national human rights institution

There has been a hiatus in this support between the resignation of the previous UNV in January 2014 and the deployment of the replacement UNV in May 2014.

Vanuatu's national development context

Human Development Index	Ranking 124/187
Life expectancy	Life expectancy at birth (years) 71.3
Mortality	Under-five mortality (per 1,000 live births) 14
Education	Mean years of schooling (of adults) (years) 6.7
Income	GNI per capita in PPP terms (constant 2005 international \$) USD3,960
Demography	Population, total both sexes (thousands) 251.7
Source: United Nations Development Programme's International Human Development Indicators: http://hdrstats.undp.org/en/countries/profiles/VUT.html (accessed 10 May 2014)	

The GoV has developed a PAA,²⁴ which commits the country to a reform agenda to achieve a 'just, educated, healthy and wealthy Vanuatu'. The PAA includes a policy objective and strategy Three which is related to 'Good Governance and Public Sector Reform'. The policy objectives that support National Strategic Priority three are 'providing policy stability; providing stable institutions; developing a productive public sector; and promoting gender equality and empowering women'.²⁵ The PAA is supported by a planning document, Planning Long Acting Short (PLAS) which provides greater detail on the implementation of the National Strategic Priorities identified in the PAA.

Research carried out by SRBJ provides a snapshot of the Vanuatu development background:

With a population of nearly 264,000 people, Vanuatu boasts more than 80 islands spread across six provinces, and is home to over 100 different linguistic and cultural groups. As one of the most diverse nation states on the planet, Vanuatu functions as both a surprisingly unified whole, and also at times as a somewhat arbitrary mélange of distinct cultural, linguistic and political expressions. Through the modern historical projects of missionisation and colonialism (Vanuatu was jointly colonized by the British and the French until independence in 1980) Vanuatu has experienced, and in many ways continues to experience, the significant influence of regional and global powers. While the pathways of these diverse influences may be separated out for conceptual purposes, in practice they are often far more entangled, acting on one another, and even acting together, to exert a hybrid influence. In a typically Melanesian fashion it is not unusual to have traditional chiefs invoking Christian doctrine, and police enforcing modern laws in the format of a kastom meeting.

It is also worth keeping in mind that while the impacts of processes like Christianity and colonialism, and more recently the effects of a global world order, have certainly been deeply significant in Vanuatu, their relationship to individuals and communities has not been purely one-sided. Ni-Vanuatu have never simply been passive recipients or 'victims' of external influence, but rather have exerted varying degrees of agency in response to, and through, these processes. Countless examples of agency can be found in many spheres of life in Vanuatu, revealing an exceptional creativity and cultural adeptness where even dominant external discourses, whether in religion, politics,

24 PAA 2006–2015, last updated February 2013.

25 Ibid, p. 32–33.

science or law, are subsumed and rearticulated through the creation of locally made and owned knowledge, practices and expressions. Vanuatu, therefore, while a unified nation state on the one hand, also rests on a level of agency, diversity and hybridity that plays an ongoing role in the machinery of the modern state, as well as in the relationships of people to the state, and with each other.

Vanuatu is recognised as a Christian nation, and is home to a significant diversity of religious expression...with only 4% of the population identifying 'Customary Beliefs' as their religion, and only 1% stating that they had no religion.²⁶ Churches and church leaders play a big role in the life of most communities in Vanuatu, with religious groups also providing support for health care and education in many communities.

Religious expression has also been adapted and rearticulated in the context of Vanuatu, in many cases taking on a distinctly ni-Vanuatu flavour, with many elements of religious belief and expression articulated through kastom concepts, like respect.²⁷

Policing, Justice and Community Services in Vanuatu

The formal policing, justice and community services sector in Vanuatu is made up of a complex cluster of agencies, across several ministries, as well as those that are statutorily or constitutionally independent. The Court System and the Judiciary led by the Chief Justice (consisting of the Island Courts, the Magistrates Court, the Supreme Court and the Court of Appeal) is a key part of the sector, as is another major justice institution within the sector, the VPF (under the Prime Minister's Office (PMO)). The sector also includes formal bodies such as the Public Prosecutors Office (PPO), the PSO, the SPD, the Vanuatu Law Commission (VLC) and the State Law Office (SLO). Within the oversight of MJCS are the Department of Women's Affairs (DWA), Department of Correctional Services (DCS) and the Malvatumauri National Council of Chiefs (MNCC), and the thematic Desks of the MJCS (Children, Disability [established] and Aged and Churches [to be established]). In addition to the formal justice and community services sector a significant role is played by civil society and non-government organisations (NGOs) responsible for delivering services on behalf of government as well as fulfilling their own particular mandate within the sector.

Many of the law and justice challenges in Vanuatu are inter-linked, inter-related and mutually reinforcing. These include

- An archipelagic geography;
- Increasing levels of urbanisation;
- Limited access to justice for many citizens, in particular women, children and youth in both remote and urban areas;
- Insufficient attention to the needs of vulnerable people including victims;
- Low levels of understanding of, and trust in, formal legal systems;
- A complex relationship and lack of agreed linkages between *kastom* and formal law;
- Low levels of state service delivery;
- Pandemic levels of violence against women and children;
- A youth 'bulge' with increasing numbers of youth coming into conflict with the law;
- Lack of a suitable juvenile justice approach;

26 National Statistics Office, 2009, National Population and Housing Census. p. 25.

27 Tyedmers, H. Access to Justice: Pathways to Action for Women Experiencing Family Violence pp 6–7.

- Limited and *ad hoc* collaboration between stakeholders within the sector, both government and non-government,
- Weak institutional management systems,
- Aged and inadequate infrastructure;
- A backlog of criminal cases.
- Weak diversionary and rehabilitative opportunities;
- No history of opportunities to target whole-of-system capacity development to support improvement of service.
- Limited use of evidence to inform policy development, management, planning, financial planning and resource allocation within the sector.
- GoV budget allocations to the sector are insufficient to meet needs and are not considered a priority.

Women, children and youth

Issues revolving around protection of children, justice pathways for women, and working with youth in conflict with the law are among the most significant law and justice issues in Vanuatu.

Vanuatu experiences very high rates of violence against women and domestic or family violence. A 2008 AAP report states that 'Violence against women is severe and pervasive in Melanesia', with upwards of 80 percent of police incidents involving domestic violence²⁸. This report identifies violence against women as a 'major barrier to development'²⁹ in the region. The 2011 VWC survey further confirmed this situation, and located family violence as a major issue in women's lives in Vanuatu. Using a globally endorsed World Health Organisation methodology, the research identified the fact that as many as 60% of women in Vanuatu had experienced physical and/or sexual violence at the hands of their male partners or husbands and 68% had experienced emotional violence³⁰. Seventy five percent of women in Malampa province, where the Malekula pilot will take place, have been on the receiving end of physical and/or sexual violence.³¹ Ninety percent of the victims the survey interviewed experienced severe violence, which is classified as being punched, kicked, dragged or beaten repeatedly, choking and burning, or hit with a weapon such as a piece of wood, iron bar, knife or axe.³² It has been suggested that the rates may be even higher, with other surveys of domestic violence recording such inordinately high rates of family and sexual violence that they were not even released.³³ The wider health impacts of these kinds of violence are profound.³⁴

28 AusAID, 2008, Violence Against Women in Melanesia and East Timor: Building on Global and Regional Promising Approaches. pp viii and 174.

29 Ibid.

30 Vanuatu Women's Centre, 2011, Vanuatu National Survey on Women's Lives and Family Relationships.

31 Ibid.

32 Ibid.

33 Tyedmers, H. Access to Justice: Pathways to Action for Women Experiencing Family Violence pp 6–7.

34 A study in Timor-Leste indicates women who have grown up with a father beating their mother are almost six times more likely to experience physical and more likely to experience combined violence than women who did not grow up witnessing violence. Infants of abused women are more likely to have a low birth weight (below average weight). Women experiencing physical violence are 35 percent more likely to have one child who has died and women with combined violence 42 percent more likely to have children who have died more than five years ago. Children of women experiencing physical violence are 74 percent less likely to be vaccinated at all and 35 percent more likely to only be

A variety of reports indicate a questionable level of service that citizens, especially women, receive when they do go to the police. According to a 2008 AusAID report, 'even when physical access is not an issue, in general, women consider the police a last resort, in part because of fear of inciting greater wrath and violence from their partners, but also because of the callous treatment women often receive from the police'.³⁵ Of particular concern for this design are anecdotal accounts of the high levels of police as perpetrators of domestic violence in Vanuatu.³⁶

It is important to note the significant institutional and legal work that has been undertaken regarding issues of gender-based violence over the last five years. In 2009, a Family Protection Act was finally passed, which creates a specific offence of domestic violence and confers *obligations on police to intervene if violence is suspected*. Courts can make enforceable Family Protection Orders to constrain the behaviour of perpetrators for up to two years. The Act also states that payment of bride price cannot be used as a defence in domestic violence cases. The Family Protection Act also creates a system of Authorised Persons, who will be empowered to provide Family Protection Orders to women, which if fully implemented would facilitate the process for women in rural areas who do not have access to a magistrate.³⁷

Legal advances have been accompanied by important institutional reforms within the VPF. In the same year, the Government established Family Protection Units (FPUs) within the VPF in Port Vila, Santo, Malekula and Tanna. The FPUs were established to ensure that the domestic violence related cases are investigated and reported for prosecution.³⁸ The FPUs are supported primarily by the New Zealand Government's aid program and through previous programs Australia, and the interim VAPP, has also provided funding and equipment.³⁹

The VPF has recently included a module on human rights and gender and domestic violence in their syllabus for new recruits. The VWC played a central role in developing domestic violence course material for the police training college. The Regional Rights Resource Team (RRRT) of the Secretariat of the Pacific Community (SPC) and Department of Women's Affairs (DWA) have assisted in providing training in these areas.⁴⁰

Beyond training, the VPF has also been working with relevant line ministries to progressively develop a 'no drop' policy in investigating cases of domestic and sexual violence. A 'no drop' policy means that the police are required to pursue a case if enough evidence exists to substantiate the charge. Implementation of the policy remains mixed. FPU statistics shows that in 2009, 49 sexual assault cases were reported; 129 in 2010 of which only 101 were investigated. From 2009 to 2011,

partially vaccinated. Taft, A. and L. Watson, 2013, Violence Against women in Timor-Leste – Secondary analysis of the 2009–10 demographic health survey– Final report, Mother and Child Health Research, La Trobe University.

35 Ibid.

36 Miranda Forsyth, a scholar of law and justice in Vanuatu notes that 'there is a culture of domestic violence in the VPF itself, which undermines the confidence of victims in the police' A Bird That Flies With Two Wings, 2012, Canberra: ANU e-press

37 Mary Ellsberg, Brian Heilman, Sophie Namy, Manuel Contreras, Robin Hayes, 2013, Violence Against Women in Melanesia and Timor-Leste: Progress made since the 2008 Office of Development Effectiveness report.

38 The FPUs received reports of 77 cases concerning sexual assault and domestic violence in the year of 2009, 126 cases in 2010, 100 cases in 2011, and 2010 cases in 2012. (UN Human Rights Council National Report submitted by Vanuatu 2014).

39 Because of the manner in which the VAPP codes funding, it is not an easy task to give an exact amount of the funding commitment.

40 Ellsberg et al (2013).

33 cases were filed following activities for improving awareness of the communities on the Family Protection Act.⁴¹

Despite these significant legal and institutional achievements, there would appear to be considerable under-reporting of family and sexual violence. According to the VWC Survey, only one in ten victims have sought assistance from the VPF, a much lower figure than those who go to the church (one in four) or chiefs (also one in four) for assistance.

In part, this low figure owes to reasons of geography. Many ni-Vanuatu remain far away from police stations and police posts. Beyond issues of remoteness, research work commissioned by the NZ Police Pacific Prevention of Domestic Violence Programme (PPDVP) suggests a range of other reasons account for the low reporting figure. These are: a lack of public trust in the VPF; general belief that Police Officers engaging in domestic violence are treated leniently and that the Police would try to shelter fellow staff members in such an event; and a historical emphasis on reconciliation rather than prosecution. Within the ranks of the police, there is much uncertainty about how cases of domestic violence should be handled.⁴²

Levels of violence against children are pandemic. In UNICEF's 2008 baseline study, 78% of adult respondents admitted to physically hurting a child. A 2011 Department of Corrections survey identified that 70% of offences in Vanuatu are of a serious sexual nature, and 70% of these offences are committed against victims aged between 11 and 16. Recent research by the Vanuatu Women's Centre (VWC) has found that the prevalence of sexual abuse against girls under the age of 15 is one of the very highest in the world. Nearly one in three girls in Vanuatu under the age of 15 have been sexually abused, and the majority of perpetrators were male family members and boyfriends.⁴³

In 2000, a UNICEF needs assessment found that Vanuatu was 'woefully inadequate in dealing with juvenile offenders at all stages of the criminal justice system, from arrest and detention to trial and sentencing'⁴⁴. While initiatives over the past decade have continued to take up some of these issues, including UNICEF's 2009 baseline report on the state of child rights in Vanuatu⁴⁵, the state of affairs for youth, particularly in the urban and peri-urban settlement communities, is arguably worse now than it was then.

There are numerous interrelated causes: increasing urbanisation; a growing population of young people; poverty; growing class distinctions in the urban centres; and shifting expectations and influences on young people with very few opportunities; all make the challenge for building the resilience of urban youth in Vanuatu substantially more complex than it was even ten years ago. Additionally, several of the initiatives focusing on youth access to justice and juvenile justice suffered from identifiable shortfalls, which can be categorised as insufficiently integrated (i.e.

41 UN Human Rights Council National Report submitted by Vanuatu 2014.

42 Ellsberg et al (2013).

43 UNICEF 2011, National Report Vanuatu; Oxfam 2011 Vanuatu Country Assessment, Karen File; GoV, 2009 Vanuatu Multiple Indicator Cluster Survey 2007, Ministry of Health Final Report; VWC & VNSO, 2011 Vanuatu National Survey on Women's Lives and Family Relationships, May 2011, National Children's Policy 2007–2011. Sexual Offenders: An Analysis of 50 Offenders and Their Offences, Department of Corrections, 2011.

44 Miranda Forsyth and Anita Jowitt, 2006, An Annotated Bibliography of the Literature Concerning Vanuatu, available at: http://www.vanuatu.usp.ac.fj/sol_adobe_documents/usp%20only/vanuatu/forsyth.htm.

45 UNICEF, 2009, Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Vanuatu,

targeting one entry point alone) and insufficiently nuanced and attuned to interrelated impacts in the context in Vanuatu.

Key gaps and barriers to access to justice for urban youth in Vanuatu include: a lack of research and understanding of the complex factors that may contribute to youth criminal activity in Vanuatu; gaps and barriers within the formal justice sector; inconsistent management of youth justice issues in the informal sector by chiefs and others in urban communities; and the lack of a more comprehensive and coherent response to juvenile justice issues more broadly in Vanuatu. In summary, the challenges⁴⁶ include:

- A lack of a separate/appropriate remand and detention facilities for juvenile offenders.
- Inadequate knowledge and/or training of formal justice sector personnel in the handling of juvenile offenders.
- No established process for pre- or post-sentencing diversion for juveniles within the formal court system.
- A lack of understanding of state systems and knowledge of human rights under Vanuatu law, by youth, their advocates, as well as by many informal and formal sector actors including chiefs and churches.
- Inconsistent application of informal approaches in urban areas including some lack of enforcement and the occasional use of overly punitive measures and force.
- Inadequate and/or out-of-date information about the complex factors that may influence youth involvement in criminal activity in Vanuatu.
- A lack of coordinated and longer-term approaches to juvenile justice across all relevant sectors in Vanuatu.
- The use of excessive force by police officers as an alternative to arrest or bringing formal charges.

The protection of children is enjoying increasing community endorsement and political support. Ending violence against women has pockets of progress and support, with continued resistance at numerous powerful points of social and political engagement, including within the formal justice system itself. Juvenile justice receives express endorsement including through the JCSSS, but many of the latent causes and issues unrelated to the more simplistic process challenges for the formal sector remain untouched. An implication of this analysis is that a response to these issues cannot target one single-entry point but, rather, needs to be integrated and interrelated. To put it another way, an intervention based solely on a policing response would founder, as would one by any other single agency.

Child protection

This design has significant focus on child protection and access to justice for children and youth in conflict with the law, in line with GoV priorities and clear areas of need.

Vanuatu acceded to the Convention on the Rights of the Child in 1992, which includes special protection measures for Juvenile Justice. The MCJS has convened an inter-ministerial Child Protection Working Group and a juvenile justice system is the target of one of the cross sector strategies. Most of the formal justice agencies have signed a juvenile justice Memorandum of

⁴⁶ Jackson, J. 2013. Access to Justice for Urban Youth in Port Vila, Case Study

Understanding (MOU) to progress procedural juvenile justice issues within the formal sector as a result of a workshop conducted by the Pacific Judicial Development Program (PJDP) in 2013.

During Stage One of SRBJ, Save the Children, Australia (SCA) was provided with a grant to implement a child protection program. The current contract between SCA and SRBJ began in July 2012 and finished in December 2013, with a six-month extension provided to support the evaluation of programming and approaches. The grant was provided to implement the following objectives:

- Support for the Ministry of Justice and Community Services to develop, coordinate and implement effective child protection strategy, legislation and advocacy action across Vanuatu
- To build the child protection skills and knowledge of Save the Children staff, community members, churches, police and other key stakeholders to implement effective mitigation and response actions.
- To ensure key agencies, including Save the Children, working with children understand child protection issues and use child protection guidelines, policies and procedures consistent with a hybrid national children's welfare system.

Central to SCA's child protection program was piloting of the participatory YEPP Tool in more than 40 communities and in three provinces in Vanuatu. As an integral part of SCA's broader Child Protection Program (CPP), the YEPP tool was envisioned as a more intensive and pragmatic community based pilot approach that would support greater collaboration across all stakeholders, and ultimately inform and improve child protection practice in Vanuatu.

Through partnering with SRBJ, SCA had access to the PMG for elevation of issues requiring the attention of the donor and the MJCS, as well as supporting collaboration and coordination with stakeholders as required.

During the first six months of 2014, a consultant was recruited to provide (a) an independent evaluation of the SCA YEPP tool and the YEPP community engagement work; and (b) a strengths based pre-design mapping and review. The evaluation of the YEPP community engagement work (See Executive Summary at Annex 10) identified significant weaknesses and flaws in the work, which has resulted in it being halted until the end of Stage One of SRBJ. The pre-design mapping and review will not be completed until the end of June 2014, being the end of Stage One.

Support for the Child Desk Officer and MJCS

The Child Desk Officer who has oversight of child rights on behalf of the GoV was re-located from the DWA to the MJCS in the first quarter of 2014. As a result, she is intended to be more closely supervised by the DG, MJCS and to be part of the Human Rights Unit, which is a unit of the proposed structure for the MJCS. The Human Rights Unit is intended to support the implementation of obligations under International Conventions that fall within the auspices of MJCS. The proposed structure for the MJCS is currently with the PSC for consideration and approval. The Child Desk Officer at present is physically at the MJCS while her budget is still within that of the DWA, which causes duplicate lines of reporting. It is understood that from the commencement of 2015 the Child Desk Officer budget will re-allocated to MJCS.

During Stage One the Child Desk Officer received support both from UNICEF and SCA. SRBJ provided little direct operational support outside of planning and capacity development opportunities, taking into consideration her workload and capacity for greater engagement with development partners.

Towards the end of Stage One, the Child Desk Officer made a grant application for a range of assistance. SRBJ has agreed to support two aspects prior to the end of Stage One or into the initial phase of Stage Two through the grant facility, being:

- Support for the design of a national child protection strategy or policy, which would provide guidance to all those organisations and agencies, government and non-government, working within this field in terms of the GoV approach and priorities.
- Support for the design of the (UNICEF funded)⁴⁷ GoV child protection pilots in Tanna and Erromango.

The national child protection policy would be developed through a highly consultative, participatory process that would seek to engage with all key stakeholders whilst providing an impetus for reinvigoration of some of the more dormant national mechanisms (such as the Child Protection Working Group and the NACC). It would assist in providing guidance where there has to date been little provided by the GoV.⁴⁸

The community pilots in Tanna and Erromango commenced upon the recruitment of two officers funded by UNICEF and are suffering from a lack of clear objectives or any design document.⁴⁹ Originally it had been intended that the SCA child protection pilots and the UNICEF-funded GoV pilots would be complementary in focus; the former focusing on appropriate safety plans developed by communities building on community-based resources; and the latter focussing on the mapping of available service providers and development of a referral system to which the communities could ultimately link. As a result of delays in funding; removal of one officer; and lack of design together with a hiatus in the meetings of the Child Protection Working Group there was a lack of complementarity or coordination between the two sets of child protection pilots.

This design work provides an opportunity to assist the GoV to build on past challenges and develop an appropriately targeted pilot that might work more closely and collaboratively with other initiatives in child protection.

Relationship between kastom and the formal justice system is complex

It is important to recognise that the two systems of formal and customary justice (*kastom*) do not function in complete isolation or in parallel from each other but rather are interwoven in many and sometimes invisible ways.⁵⁰ As legal pluralism scholar Forsyth has noted:

Kastom is still a major player in community governance and dispute resolution, and in the delivery of 'justice' for most people, in most communities, in Vanuatu. While improvements in the formal justice sector are evident and ongoing, the reach of more formal justice mechanisms to the provincial, and ultimately the community level, is still fairly weak. Even where the formal system is available, in many cases and particularly outside of urban centres (but not exclusively), people choose kastom as their first point

47 It is understood that UNICEF will not continue to fund these pilots pursuant to its Draft 2014 Annual Plan.

48 This results from a lack of capacity given the human resources available and the broader child rights obligations of the Child Desk Officer.

49 This was found by the Monitoring Officer on her March monitoring trip with the Child Desk Officer to Tanna.

50 Here the interplay of kastom and formal delivery of 'justice' is described in a more nuanced, Vanuatu-specific way than it was previously described. For example, police on occasion implement penalties requested by chiefs; public solicitors and public prosecutors may send victims or parties to the chiefs for mediation, settlement of the dispute.

of access to justice.⁵¹ One should be cautious about the use of kastom in any homogenising way: 'It may also be argued that the use of the term system is misleading because it implies a coherence and structure that the kastom system does not have, being more a collection of sub-systems than one with a clear national or even provincial structure...⁵²

The nature of *kastom* is further explained in research carried out by anthropologist Tyedmers for SRBJ during Stage One:

So not only has kastom been adapted along the way, and changed into its modern expression, but it is also marked by significant diversity and variation across all of Vanuatu. Despite these realities, however, many ni-Vanuatu, as well as a significant number of influential outsiders, have a tendency to treat kastom as a mythic and unchanging body of cultural truth and wisdom. While there is no doubt that kastom offers much that is valuable, insightful and worthwhile, and that it should be protected and cultivated, there is also a very political side to kastom and how it is mobilised in modern Vanuatu society.⁵³

The strengths, weaknesses and interactions of the state and non-state justice systems in Vanuatu have been summarised as follows:

1. The state is weak and under-resourced and this is not likely to change in the near future.
2. The kastom system is currently managing a large percentage of conflicts in the country, which is saving the state judicial system from being completely overburdened.
3. There is enormous community support for the kastom system that is seen as more legitimate than the state system in certain contexts.
4. There is support for the state system and recognition that it has an important role to play, but frustration at its inadequacies.
5. The kastom system faces significant and growing problems with enforcement of decisions and compulsion to obey calls to meetings
6. The kastom system has problems of chiefly bias, unenergetic chiefs, discrimination against women and children and chiefly disputes, all of which significantly affect its capacity to deliver effective justice but for which there is currently no system of regulation.
7. The chiefs are becoming increasingly frustrated by the demands the state places on them in regard to maintenance of law and order in their communities and the denial of any sort of state power or aid to assist them in carrying out their functions.⁵⁴

Policing in Vanuatu—where are we now?

51 Tyedmers, H, 2103, Access to Justice, Pathways to Action for Women Experiencing Family Violence, p7 cf.

52 Forsyth, M. 2007. A Bird the Flies with Two Wings: the Kastom and State Justice Systems in Vanuatu, p. 5.

53 Tyedmers, H, 2013, Access to Justice, Pathways to Action for Women Experiencing Family Violence, cf p7.

54 Forsyth, M. 2007. A Bird the Flies with Two Wings: the Kastom and State Justice Systems in Vanuatu, p. 368.

Despite the efforts extended by a wide variety of advisers over the years, a number of deep-seated challenges within the VPF remain. The range and extent of these difficulties were laid out in the context of a thorough review of the VPF conducted at the request of the Prime Minister of Vanuatu and prepared by a senior police adviser with many years of in-country experience.⁵⁵ The report used unstinting language to describe the issues confronting the institution:

*The VPF continues to be plagued by low morale, lack of community trust, low levels of discipline within the organisation, lack of strong leadership within the executive and middle ranks, fractured relationships within the Senior Executive, lack of suitable systems to contend with the complex government requirements surrounding Finance and Human Resource allocations, lack of strategic direction when it comes to recruitment and dealing with the aging workforce, and a general lack of accountability.*⁵⁶

Key development challenges that the VAPP adviser identified within the VPF centred on:

- Financial and Human Resource Management & Governance;
- Discipline and Professional Standards;
- Leadership and Professionalism;
- Workforce planning; and
- Assessing the cost of policing and ensuring that the VPF are supported through GoV budgetary processes.

It is to be noted that more than half of the priority areas identified within the review did not relate to policing skills *per se* but, rather, revolve around issues of leadership, management and administration. These issues are shared with the law and justice sector more broadly.

Corporate Services Unit (CSU)

A major feature of both the 2012 VAPP Review and the 2013 Report to the Prime Minister were concerns about the capacity of the Corporate Support Unit (CSU), which is meant to function as the financial and administrative heart of the VPF.⁵⁷ The unit appears not to be working at all effectively. Issues identified in the CSU revolve around timeliness, office management, not following the budget, and misalignment of member skills to task.⁵⁸ The internal disarray within the unit means that some senior officers in the VPF circumvent the CSU entirely, going directly to VAPP to access monies through the operational and maintenance fund. While this approach is understandable, it serves only to diminish further the functionality of the CSU as well as creating high levels of dependency upon VAPP.⁵⁹ Inefficient and ineffective corporate processes impinge

55 The report's author, Detective Superintendent William Quade, was formerly the Commander of the Vanuatu Police Force Capacity Building Project (VPFCBP) and the VAPP for the period February 2009 to March 2012.

56 Quade, W. 2013, Vanuatu Policing Review Brief, p.4.

57 The AFP has provided a range of short-term and long-term advisory inputs to the CSU during the 2009–12 phase of VAPP, helping them to develop an extensive range of policies, manuals and registers.

58 'The review process has identified that some of the current staff, particularly sworn police officers, may not possess these required attributes.' (Quade 2013)

59 The sub-design team was told that VAPP advisers had made concerted efforts to create a planning process for the use of the fund but that these endeavors had come to naught because of disinterest on the part of the CSU.

upon the abilities of the VPF to fulfill their mandate.⁶⁰ It is to be noted that support to the CSU was not a part of the interim VAPP's scope.

The impacts of an ineffective CSU were often characterised in terms of short-term consequences: the team heard often that some supposedly 'urgent' operations could not proceed because paperwork was lost in the system. However, the effects probably go deeper than that and go organisation-wide. It means that:

- Budgets are not credible;
- Budgets do not sufficiently account for VPF needs through the financial year;
- Key positions are not filled;
- Arrears and payroll liabilities mount up;
- Funds available for maintenance, operational activities and logistical support are inadequate; and
- Contracts are inefficiently managed.

The Prime Minister of Vanuatu has committed to civilianizing the CSU, hiring individuals with the necessary skills in order to fulfill the tasks expected of them. However, in something of a Catch 22, this proposal has stalled owing to the very reason that underscores why it is so necessary: there is insufficient budget to make the appointments.⁶¹

Professional Standards

During the policing sub-design in-country mission both the police and community representatives told the sub-design team that there is a need to urgently improve performance accountability in the VPF, including around disciplinary matters. A youth representative that the team talked to asked 'what happens to the police who bash people' and the team heard repeated accounts of how undisciplined behavior was not penalised.

The sub-design team was pleased to note the commitment of the GoV and the VPF to address issues of discipline and professional standards.⁶² In December 2013, the Prime Minister and the Police Commissioner endorsed an approach developed by a VAPP adviser for reinvigorating the Professional Standards Unit (PSU) and promoting issues of accountability. The approach recognised that issues of professional standards could not be addressed simply by a solely inward focus on improving internal investigative capacity. A wider set of barriers inhibited effective police/public interaction including lack of understanding about basic rights to justice and legal awareness and a lack of confidence in the formal system. Responding to the issue requires a joint approach involving a range of government agencies and civil society organisations.

The high-level endorsement of this considered, mindful approach is an extremely encouraging foundation on which to build, but steps have yet to be taken to turn this commitment into practical progress. The PSU, at the time of the design, continued to occupy a peripheral role both

60 The VAPP's own reporting notes that 'Significant sustainability issues relate to the matter of VPF funding generally, with 90 percent going towards salaries. Operational funding is very limited and the VPF find it difficult to pay for personnel to perform their duties in response to community needs. Much of the available funding is being used for fuel and paying essential service costs such as electricity and communications.' Quarterly report to IDG Oct-Dec 2013.

61 The report for the Prime Minister notes that pay scale is also an issue. Currently salaries are well below salaries of other government departments and if this is not reviewed the recruitment process will attract personnel who may not possess the desired skills, which would defeat the purpose of civilianising the CSU (Quade 2013).

62 Important high-level engagement by VAPP advisers in chaperoning a process led, ultimately, to this commitment.

geographically and organisationally within the VPF. The office is based at the Police College, not Police Headquarters and, although it has committed staff, it does not have the enabling resources required for it to function effectively. There is just one functioning (stand-alone) computer, no telephone access, and minimal space for files. For many months, like the Police College itself, the PSU had no electricity due to unpaid bills.

At the same time, there is also a need to provide professional support and guidance in the form of access to legal advice for the VPF and its members. The VPF executive informed the team that the VPF is not currently able to effectively litigate cases where officers are alleged to have improperly used their police powers, resulting in claims being 'paid out' as a matter of course. The team was unable to receive a figure as to how much this compensation cost the VPF budget but, given the parlous state of VPF finances, it is a further impost, which impacts further upon VPF self-sufficiency.

Professional Development

The AFP has already provided valuable infrastructure support and training assistance to the Police College over the years. Support has been a feature of the interim VAPP and remains fundamental to recruit, refresher and specialised training, including for example, the course on police bicycle riding supported by VAPP.

However, the college on its own appears incapable of providing the depth and breadth of professional development services that are required. To some degree, the issues within the college are symptomatic of wider financial and administrative challenges within the VPF. The lack of electricity over several months delayed recruit training and the rapid rotation of personnel served only to inhibit a culture of planning.⁶³ The sub-design team was told that lack of power meant that rooms overheated, leading to the computers there malfunctioning, and a subsequent request to the VAPP to replace the computers. Course development, and funding for courses, appears almost entirely dependent upon the backing of VAPP.⁶⁴

It is also important to note that the college is by no means the only place that VPF go to currently for professional development. Consistent with how the AFP and other Pacific police services approach professional development, members of the VPF already avail themselves of a wide range of opportunities via other sources.⁶⁵ The other in-Vanuatu training venues also constitute, on a vatu-for-vatu basis, a more economical option than the police college. Many of these training venues also receive support from Australia. Going forward, a coordinated and considered approach to integrating the professional development opportunities and approaches available would enhance the current value of the college.

63 By way of example, the former VPF firearms instructor had been sent to CSU. One senior VPF officer told the sub-design team that the constant rotation was 'demoralising'.

64 The sub-design team was told that 'planning depends on whether VAPP will pay'.

65 For example, members of the VPF have already availed themselves of opportunities through the University of the South Pacific (e.g. Diploma of Police Management), Australia-Pacific Technical College APTC (e.g. Certificate IV in Community Development and Diploma of Management) and the Fiji Women's Crisis Centre. The Maritime Wing currently receives training at the Australian Maritime College in Launceston, Australia funded by the DCP program. Other members have benefitted from scholarships through donor governments. It would appear there are other opportunities available through TVET (Technical and Vocational Education and Training), the Certificate IV in Youth Work at APTC, or through customised courses that APTC can provide.

The SRBJ Capacity Development & Leadership Adviser (CD&L Adviser) has already undertaken extensive and impressive analysis and strategy development across the law and justice sector, and it is work that has been lauded by the recently appointed head of the Police College. There would appear to be clear and obvious opportunities to extend the SRBJ work with the VPF.

Systems and Processes

One key feature that the sub-design team heard through its in-country consultations revolved around issues of poor information management within and across the units of the VPF. It is, for example, impossible to track cases through to prosecution.

Important preliminary work on addressing this issue has already been initiated by SRBJ. In the second half of 2013 the SRBJ Case and Data Management Advisor (CDM Adviser) completed the *Preliminary Diagnostic Assessment of Case and Data Management* (Annex 6) (updated for a briefing to the HOAG November 2013–Annex 7) across the justice and community services sector, which included an assessment of the VPF.

The assessment found that:

- Law and justice sector agencies have a range of levels of current systems;
- The systems lacked transparency in case flow management;
- There is a lack of reliable information that management can use for quantitative decision making;
- The difficulties in communicating between institutional systems resulted in duplication and inefficiency; and
- Monitoring and evaluation of individual and/or agency-level throughputs is extremely difficult, time-consuming and often not reliable.

How information is managed within VPF is muddled. There are two separate systems: CRIMS (for incident management) and VICRIS (for criminal records), which are used by different parts of the police while other parts of the organisation appear to have no discernible system of information management whatsoever.⁶⁶ For example, the investigation unit of the VPF operates with no systems support and relies on manual record keeping. The situation is apparently even more freeform outside of Port Vila. The team was told that approximately '60 percent of the country has no records.'⁶⁷

The implications of having multiple different ways of recording information within the one organisation are obvious. Although CRIMS and VICRIS continue to work serviceably as systems, they do not integrate with each other, creating an effect where information is 'siloes'. For the parts of the VPF using only manual record keeping, the problem is even worse. There is little or no ability to analyse criminal results; including links between incidents, outstanding warrants, criminal history and current investigations. For example, there is no way that the Uniform Investigation Branch (UIB) and Family Protection Unit (FPU) can classify and manage the cases they deal with or, more broadly, identify and analyse criminal patterns. In other words, the managerial systems that are vital for strengthening the performance of investigative units are not there. The SRBJ review

66 CRIMS – Criminal Response Information Management System. The VAPP supported the installation of the CRIMS system in 2009.

67 Perhaps illustrative of the problem, there would appear to be no way to verify the accuracy of this figure.

concluded, 'significant systems work is required for the VPF to have an incident, investigation, and records management system ...(and visibility to outstanding warrants and summons)'.

The VPF is a pivotal hinge in the criminal justice system and the flow on effects of this information tangle and poor quality analysis is significant. In 2012, the team that reviewed the VAPP were told that police and civilian prosecutors reject 'a high percentage' of police files and the picture appears little different two years on. Chaotic file management not only makes the work of police prosecutors more difficult; it reduces the chances of cases being brought forward before the court and further reduces public confidence in the effectiveness of the criminal justice system. These problems are exercising the minds of the VPF executive who told the team about 'issues with case management between the police and prosecutors' 'relationships' and 'gaps between communication and case management tracking'.

The benefits of an improved case and data management system seem obvious. It would:

- Greatly assist workflow and operational tasks such as managing, tracking, and providing quality information on criminal incidents, investigations and resulting records;
- Support senior police with quality management and performance results;
- Provide the basis for future electronic services and electronic exchange with other agencies; and
- Usher in greater confidence within the community that incidents and investigations are being managed by the VPF and their status is known.

SRBJ has identified the need for incremental progress towards improved case and data management systems and is currently developing three business cases for development partners for case and data management needs for a) the police, b) the courts, and c) the legal offices.⁶⁸ For the VPF, support in strengthening the system will require a combination of software purchases, systems support and capacity development of staff.

Gender in the VPF

An important crosscutting theme that is clear in documentation reviewed by the sub-design team and which emerged during in-country consultations is the issue of gender equality within the police. Beyond the issues of violence against women and children identified, there appear to be clear issues of gender within the VPF, issues that are by no means unique in a Pacific context. Issues identified by Pacific police officers at a workshop in Vanuatu in 2013 were wide-ranging:

- Gender discrimination in promotion processes;
- Some recruitment and selection policies and procedures are not supportive of equal opportunity;
- Opportunities for women to access training are limited (when compared to male colleagues);
- Women tend to be placed in administrative rather than operational roles;
- Sexual harassment in the work place;
- Limited family-friendly practices resulting in fewer operational opportunities; and
- Legislative barriers.
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⁶⁸ These will be made available once completed.

These identified issues confirm many of the earlier findings of the 2011 Women in Policing Survey and observations of senior female VPF members that the team met during the course of the police mission.⁶⁹ One female officer told the team that being in the police ‘was a hard job for a woman’.

The AFP has long supported national police services and regional institutions that aim to foster the role of women in policing.⁷⁰ The logic underpinning this focus is that increasing women’s representation in police organisations can:

- Support more effective community relations and legitimacy (because the organisation more adequately reflects the society it serves)
- Potentially moderate punitive and violent approaches to policing, and
- Result in an organisation that responds with greater commitment to preventing abuses to women and girls’ human rights, particularly addressing violence against women and children.⁷¹

Previous iterations of the police program in Vanuatu had somewhat of a gender focus. For example, an activity line in the VPFCBP, the forerunner to the VAPP, revolved around strengthening the role of women in the workplace, reflecting the VPF’s own commitments to address issues of gender equality in the VPF’s 2011–15 Strategic Plan.⁷² The number of female officers in operational and supervisory roles was a measure used to gauge progress in this activity.⁷³ An AFP curriculum adviser helped develop modules on HIV and Gender Awareness in 2010–11 and these modules have been included in subsequent recruit and refresher training.

Gender has not been an explicit focus area of VAPP but the program has reportedly used its strategic influence to raise issues of gender equity.

VAPP reporting in 2013 notes that:

With AFP support, the Commissioner remains supportive of improving the conditions and development of women in the VPF. This was discussed and agreed by all members at a meeting held in September 2013. The AFP and Vanuatu Police Force (VPF) have agreed to promote gender equality within the VPF.⁷⁴

The question, as always, is how best to structure high–level commitments into tangible reality. At a strategic level, there would appear to be a role for serving as a pro–active advocate for issues of

69 Tabor, A and Fischer R. 2011, Women in Policing Survey. Pacific Islands Chiefs of Police

70 There are a number of examples of AFP involvement in promoting gender issues in its missions. In Tonga, the AFP supported the Tonga Police Service to conduct merit–based recruitment with the result that women occupy five out of the nine senior executive roles in the organisation. In Timor–Leste, the AFP worked with the PNTL Gender Section to improve management and leadership skills. In a regional context the AFP also works with the Pacific Islands Chiefs of Police Women’s Advisory Network (PICP WAN) and the Australasian Council of Women in Policing (ACWAP). In addition to providing direct financial support to enable Pacific Islands’ women to attend regional meetings and conferences, the AFP supports Pacific Islands’ women through mentoring, coaching and technical support. Both the PICP WAN and ACWAP provide women (and to a lesser extent men) with a platform to discuss gender issues, to share experiences and learn from others, to develop and sustain professional networks and to collectively determine the future of women police throughout the region.

⁷¹ UNWomen, 2012, Gender Sensitive Police Reform in Post–Conflict Societies.

⁷² VPFCBP 2011 plan Activity 4.10 ‘Strengthening the Role of Women in the Workplace’

⁷³ The sub–design team was not able to access the monitoring reports that would indicate the extent of progress made against this measure.

⁷⁴ IDG Quarterly reporting Oct–Dec 2013.

gender and also serving as a key point for actively and practically promoting programs with a gender-focus and ensuring that commitments are adhered to.

Vanuatu has made a number of commitments to gender equality:

- As signatory to 2009 Cairns Compact Strengthening Development Coordination in the Pacific Vanuatu committed to 'supporting the implementation of measures, existing commitments and programs aimed at increasing awareness of and addressing the causes and consequences of sexual and gender based violence and developing legislation to criminalize gender based violence in all forms';
- 2011–15 VPF Strategic Plan,
- The VPF code of ethics states that the VPF must ' treat all persons equally regardless of their gender, religion or birthplace';
- The 2014 VPF business plan includes domestic violence in their awareness raising activities;
- In 2013 Vanuatu endorsed the constitution of Pacific Islands Chief of Police Women's Advisory Network (PICP WAN) which aims to 'maximise the contributions of women in policing within the Pacific Region. This will be achieved by promoting leadership and management opportunities whilst recognising the contributions by women in delivering a , service to communities'.

A programmatic focus on gender equality and gender equity would sit well with both SRBJ's focus area as well as New Zealand led PPDVP, with which the AFP IDG already has a strong ongoing strategic partnership. Additional support could also be sourced through the AFP's PPDPR.⁷⁵ Another potential avenue through which assistance could be leveraged is support to the Committees Against Violence Against Women (CAVAW), an initiative of the Vanuatu Women's Centre.

There are a number of ways in which the impact of high-level strategic support to elevating issues of gender can be measured, which will be elaborated upon in the following section, which outlines the nature of the investment.

Kastom and rural engagement and the VPF

This section builds on the section above on the relationship between kastom and the formal justice system, as kastom and rural engagement represents a key cross-cutting issue with particularities for the VPF. As noted above one of the reasons why there is such little reporting of family and sexual violence is because the VPF simply are not there. Police have a relatively limited geographical reach beyond Port Vila and major towns. Around three quarters of the police are based in the capital city. For the 75 percent of the population who live in rural areas, far off islands or parts of islands, accessing the nearest police post, or even a telephone network to call the police, might involve a lengthy and difficult journey. Even taking account of recent important VAPP initiatives to build police posts, there is zero police presence at all on most islands. As a result the majority of everyday disputes in the country are still addressed largely by informal and customary means rather than through recourse to the police and the formal justice system. In many parts of Vanuatu, chiefs are the only form of redress for disputes.

⁷⁵ For example, PPDPR funds an AFP adviser to work on the PPDVP in the Federated States of Micronesia

In Vanuatu allegiances to non-formal mechanisms for conflict resolution and restorative justice are just as strong – if not stronger – than fealty to state institutions and, therefore, needs to be factored into any programming involving the police. Empirical research suggests that the relationship between the police and customary chiefs is a complex and ever changing one, dependent upon personal relationships, clan/village affiliation, and given circumstance. In many instances, justice is seen as less important than the restoration of equilibrium.⁷⁶ Officially, there is a lack of division in roles between chiefs and police, however in practice, owing to the circumscribed reach of the VPF, customary authorities have a very hands on role in dispute resolution. The VPF, therefore, works at the interface of two, frequently overlapping, systems. The first is the formal (State) system and the second consists of dynamic ‘traditional’ or customary systems. The difficult work of programmatically addressing hybridity requires sensitivity and rigour as well as not being programmatically blind to institutional form. As in many parts of the developing world, it is important to appreciate that it is not just the police that engage in policing.

76 Goddard, M & Otto, L, 2013, Hybrid Justice in Vanuatu, World Bank Justice and Development Working Paper Series

Justice and community services sector in Vanuatu—where are we now?

Cross-sector collaboration

Collaboration across the highly diverse justice and community services sector benefited immensely from the proactive leadership of the former Director-General. Under his leadership the HOAG met regularly at one to three month intervals to discuss management, administrative and thematic issues relating to the sector as a whole. This was, in part, a reflection of the level of respect for the Director-General and a desire for greater coordination across the sector with an increasing understanding of the possible benefits that could flow from enhanced consultation and coordination. With a change of Director-General in August 2013 there has been some decline in the sustained momentum being provided by leadership to the JCSSS activities with an increased focus on servicing of the Ministers and their support staff.

There are a number of key counterparts within the sector who are relatively disengaged, do not participate in collaborative dialogue with the sector, or who provide weak leadership. Some have come under significant public criticism.⁷⁷ Political leadership remains fluid and bureaucratic leadership of the sector is currently inconsistent in its engagement. The inconsistency of attention and engagement with the sector on its agreed cross sector initiatives has had an impact on the progress of some cross sector initiatives and support for the strengthening of the corporate services capacity of the MJCS.

The Chief Justice who heads the Judiciary and court system is a member of the HOAG and is a key stakeholder within the sector. The political fluidity of the GoV⁷⁸ and arguable vulnerability of the Judiciary makes it reticent to be or appear to be in any way influenced by the Executive or the MJCS. The Judiciary has, since April 2012, participated in a minority of the HOAG meetings. The Chief Registrar did not attend any of the meetings of the Task Force mandated by the HOAG to develop the JCSSS, despite nomination and invitation to participate as a member. However, since the inaugural plenary meeting of the eight justice and community sector working groups, the Chief Registrar has participated actively in all JCSSS activities and in guiding the work of the Case Progression Working Group. The Chief Justice expressly indicated his increased willingness to engage with the sector but the approach that would allow for such engagement whilst responding to the concerns of the Judiciary remains an open question.⁷⁹ There are indications that the Judiciary is aligning its strategic priorities where appropriate with those of the sector, which is encouraging.⁸⁰

The expulsion of the VAPP in 2012 and a period of internal turmoil in the VPF related to political jockeying between claimant Commissioners and their supporters⁸¹ resulted in SRBJ not being able to harmonise its cross-sectoral approach with the AAP police program and it has been challenging

77 This was a specific risk noted in the Risk Management Matrix of the SRBJ Inception Report, 'Weak GoV leadership in sector / individual agencies'

78 There have now been five Ministers of Justice since the commencement of SRBJ in March 2012.

79 Chief Justice's Speech at the opening of the Court Calendar in 2013, Chief Justice's comments at the HOAG of June 2012.

80 The Chief Justice has expressed the desire to take a lead in the development of a sector wide approach for case and data management as well as seeking court to court support with respect to delay and backlog reduction requested since the approval of the JCSSS which includes a strategy related to delay across the sector.

81 This resulted in a significant number of the police force being suspended, some of them from the end of 2012 until the change of government on 26 March 2013.

to engage in any robust consultation with the VPF itself,⁸² although VPF did have representatives attend the HOAG meetings during SRBJ Stage One and the VPF Commissioner was kept informed of cross sector development work. Engagement between SRBJ and the VPF has increased incrementally during SRBJ Stage One as demonstrated by the involvement of the VPF in three JCSSS working groups; involvement of the VPF in the Youth Justice Symposium (YJS) and the Youth Justice Forum (YJF); provision of case and data management support to the VPF by SRBJ; support for the VPF Women's Advisory Network meetings; and provision of capacity development support to VPF officers through the adviser to the SPD.

Support of the MJCS to the sector

A draft structure (known internally within the MJCS as the 'hub') designed to deliver a strengthened corporate services capacity to the MJCS, thus allowing it to provide a much more proactive service to the agencies, to the cross-sector work and to the Minister and staff, was drafted in 2013. Although terms of reference for the new positions have apparently been completed, there has otherwise been no progress in obtaining PSC approval for the proposed structure and positions. There appears to be some ambivalence towards its active promotion by leadership within MJCS although consideration has been given to seeking COM approval for the structure at the next COM meeting as a way of strengthening the submission to PSC for approval.

Under the current circumstances, without an '*all hands on deck*' approach by the SRBJ team to supporting the progress of the working groups this work would not be possible and certainly could not even be supported administratively by the MJCS.

This design contemplates significant human resource support to the MJCS (3–4 high level in-line positions intended for ultimate absorption by the GoV). However, given the absence of more significant evidence of an intention to strengthen (rather than weaken) the corporate services capacity of the MJCS and progress the approval of a MJCS designed and owned structure the approach to that support should be on the basis of:

- Agreed preconditions for provision of those positions within an agreed time frame
- Staggered (not simultaneous) active joint recruitment of the positions
- Mutual understanding that if the preconditions are not met within an agreed timeframe then those funds can be reallocated to other components within the program or strengthening other mechanisms for cross sector collaboration (such as the HOAG and secretariat support).

The lack of progress by MJCS and GoV to strengthen the MJCS might signal the necessity to consider staggering SRBJ support to the MJCS; adding some conditionality to provision of positions; and or reducing the funding intended for component 1 support to the MJCS in favour of increased funding to components 2 and 3.

In an environment of limited resources, justice agencies increasingly appreciate the value of consultation mechanisms that facilitate dialogue and coordination in setting resource and activity priorities that mutually benefit the sector agencies' service delivery effectiveness, particularly at sub-national level. The advisers engaged to work across the sector on strategic planning, capacity

⁸² During this time even the OIC of the State Prosecutions Department was suspended (at that time in the middle of the recruitment process for the adviser to that office). He returned for one week after the new government came to power and was then removed from SPD.

development and monitoring and evaluation (M&E) have been received very positively by individual agencies that understand their sector wide focus.

Sector agencies planning, management and monitoring processes are weak

The early indications of capacity of government agencies within the justice and community services sector are varied although there are some definite areas of shared opportunity.⁸³ Retention and attrition of lawyers within the public sector and an absence of human resources planning which specifically caters for this attrition, has meant that it is difficult to consolidate the training that has been provided previously.⁸⁴ Capacity to plan and achieve objectives, despite the existence of agency business plans and a sector strategy at the commencement of Stage One, was mixed and has responded to support over Stage One.⁸⁵ Few agencies⁸⁶ tracked progress along existing business plans during 2012 or used business plans as a planning and management tool. The majority referred to the business plans little once they had been completed and did not have a process for complying with the GoV's ongoing reporting requirements.⁸⁷ Overall aspects of leadership and management, financial management and strategic human resource management capacity have been identified as needs across the public agencies.⁸⁸

Case and data management across the justice and community services sector

There is currently little flow of information and little available information shared between agencies within the justice sector. The Chief Justice in the past made a speech annually at the opening of the court year, which included references to data, but the statistics on which the speech was based are not readily available. With the support of the Case and Data Management Adviser both the Magistrates' Court and the Supreme court are showing improved management of information and quality of data; both can within a period of 30 minutes, ascertain figures demonstrating balance for filings, completions and pending cases across both of the courts and across the judicial officers. Likewise, for example, the SPD does not have access to the PPO's case numbers and type or processing times or generally vice versa. However, both are actively working to improve data quality and the ability to track cases internally, albeit at this stage using only Excel. The court provides a calendar of proposed court sittings and circuits that is dependent on budget allocations. Adjustments on the basis of actual allocations are then not actively sought by agencies or proactively provided by courts. This results in a lack of understanding and waste of resources in a resource-constrained environment. The Chief Justice has indicated a willingness to move incrementally towards a position of greater transparency and therefore accountability.⁸⁹ His

83 There was little available data/evidence from VLSSP of the outcome of capacity development. The assessments under Stage One of SRBJ are intended to not only guide the capacity development plans for the second half of 2013 but also to provide the basis for the measurement of any impact as a result of capacity development by the Partnership. The Sector Capacity Development Strategy was completed in February 2014 and provides the basis for the priority areas for support and the multifaceted and multilevel approach to capacity development.

84 Since the commencement of Stage One of SRBJ, six lawyers have left SLO, one very senior and another lawyer have left PSO and the Public Prosecutor has resigned and two lawyers have left PPO.

85 Provided by the Strategic Planning Adviser, Capacity Development Adviser, Budget Adviser and Monitoring and Evaluation Specialist and Officer.

86 Notably the SPD and the PSO.

87 PMO Monitoring and Evaluation Unit requirements for planning and reporting found in the PAA.

88 Based on the Sector Capacity Development Strategy 2014 (Annex 4)

89 Ehmann, J. 2012, PJDP Phase 2: Judicial Administration Diagnostic Project: Regional Registry Systems and Processes Report, PJDP.

Honour has taken the initial steps in this process through the production of the judiciary's first annual report; and open discussions with the profession about how improvements might be made in the processes used by the courts to manage cases.⁹⁰

Vanuatu Law Commission (VLC)

A legacy of the Condominium and a significant period of assistance from donors together with capacity issues have left Vanuatu with a complicated patchwork of inconsistent, anachronistic and often un-contextualised legislation based on different legal cultures. The establishment of the Vanuatu Law Commission (VLC) only active with core funding support from SRBJ in Stage One, provides Vanuatu with the opportunity to have legislative policy developed through its own consultative process that is an appropriate fit for its current circumstances and that is not developed in isolation.

During Stage One, SRBJ supported the VLC by the provision of a short time adviser for its first consultations, salaries for staff and a package of support for the conduct of consultations and development of the policy recommendations and report. The VLC has produced its a number of significant reviews including the public health legislation in collaboration with the Ministry of Health, which was well received by the Ministry of Health on completion with no requested amendments to the recommendations made; the Dangerous Drugs Legislation; and Water Legislation.

Capacity development

In February 2014 SRBJ's Capacity Development Adviser completed draft Justice and Community Services Sector Capacity Development Strategy 2014–2016 (Annex 4), which provides for capacity development at five levels including individual, functional sub-group, agency, cross sector and sector to stakeholder levels. This will be presented to the HOAG for approval in late May 2014 It does not yet include provision for the VPF.

The strategy is informed by the Government of Vanuatu's (GoV) vision and mission for the Justice sector:

The GoV's vision for the sector is: 'a professional, competent and accountable law and judicial system that enables equal rights and access to justice for all' and its mission statement is: 'for all justice agencies to promote justice and provide fair and equitable services to meet the needs of the community, the rule of law and protection of human rights. (p. 26)

The Justice and Community Services Sector Capacity Development Strategy outlines the results of the work undertaken as part of SRBJ Stage One, Component 2: Capacity Development, and describes the approach, findings and recommendations based on assessment activities undertaken during a period from October 2012 to December 2013. It is intended to become the basis of capacity development work to be undertaken in Stretem Rod Blong Jastis Stage Two, from 2014 to 2016.

90 The judiciary held a two-day workshop with the legal profession towards the end of 2013 to discuss improvements in case management which was facilitated by Justice Buchanan and Chief Registrar John Mathieson from the Federal Court of Australia (FCA) as part of the MOU between the FCA and the Supreme Court (SC).

The report is based primarily on findings from the formal engagement of the following nine agencies from across the Justice and Community Services sector. The report also draws on a data gathered from other sources including many informal and formal meetings and conversations, desktop review of existing reports and project materials, and workshops undertaken with agency and cross sector groups.

1. Ministry of Justice and Community Services
2. Department of Women's Affairs
3. Department of Corrections⁹¹
4. State Prosecutions Department
5. Public Prosecutions Office
6. Public Solicitors Office
7. Vanuatu Law Commission
8. Ombudsman's Office
9. State Law Office
10. Mavatumauri and Customary Land Management Office (formerly Customary Land Tribunal Unit)⁹²

The strategy aims to ensure that all capacity development is approached with the same methodology, grounding it in work-placed application and ensures that it is appropriate, targeted and contextualised, and continually evaluated and refined. The intention is to move away from *ad hoc* training workshops into an approach that is integrated, multilevel, uses a number of mutually reinforcing modalities, is evaluated, iterative and considers the enabling environment. It is hoped that even where other service providers intend to provide one-off specialised training to the sector, that that might then be supported by SRBJ in a more sustained way. For example, the International Committee of the Red Cross (ICRC) intends to provide one-off targeted training with no follow-up training for police and corrections officers in 2014. If possible, training of this nature should be supported by subsequent work application and re-exposure and evaluation to strengthen its impact. These mechanisms could be built around the ICRC training.

During Stage One, SRBJ suggested a possible approach to VAPP and to the VPF for strengthening the proposed capacity development needs assessment that was being carried out as part of the VAPP interim activities before the end of 2013. Only a schematic capacity needs assessment has to date been completed. It is anticipated that during the early stages of PJSPV the Capacity Development Advisor will extend support to the VPF.

The principles that guide SRBJ in all its capacity development work and which were identified by SRBJ team are⁹³:

1. Be evidence-based;
2. Start small and build in small steps;

⁹¹ At the time of preparing this report, some assessment, diagnostic and planning work was still underway with this group.

⁹² At the time of preparing this report, some assessment, diagnostic and planning work was still underway with this group.

⁹³ This occurred at a SRBJ workshop on 25 April 2013.

3. Develop capacity where the need presents;
4. Work with the existing networks, systems (as opposed to inventing new ones);
5. Balance capacity development of service providers, with capacity development of service recipients to raise demand (and therefore social accountability);
6. Have a flexible, targeted approach to suit specific situations;
7. Build on strengths and use processes to facilitate self-discovery;
8. Ground the work in context – be appropriate and respectful;
9. Learn from the experience of past projects; and
10. Be patient.

Policing, justice and community services lessons learnt

This section outlines a variety of lessons learnt about policing, justice and community services development in Vanuatu. Drawing on previous sections outlining aspects of context, this section also examines key findings of the 2012 independent progress review (IPR) of the VAPP;⁹⁴ and contextual policing issues confirmed during the policing sub-design. The section goes on to distill the key lessons from VLSSP and the reflections of the SRBJ team on Stage One of SRBJ that were encapsulated in the SRBJ draft design.

Both the policing and justice and community services findings are checked against key issues identified in relevant AusAID/DFAT literature and evaluations, and the broader policing, law and justice literature. The section concludes with the synthesised key learnings, which are then reflected in this design.

The VAPP was reviewed in May 2012 and many of the lessons derived from the review informed the draft policing design and, in turn, this integrated design. The VAPP review team found that Australian police development programming had generated a number of accomplishments, two of these being especially notable. VAPP support enabled the VPF to extend its presence in the country in ways that it had previously been unable to do. VAPP's funding of the Workforce Renewal Program helped rejuvenate the ranks of the VPF.

The review highlighted that although there was an extensive list of completed projects these did not appear to be strategic or progressively build upon past accomplishments. The approach was also inefficient because a significant portion of police advisers' days was spent dealing with financial and administrative matters, reducing the time available for delivering specialised policing advice. The review found continued financial support would be needed to fund operational activities and maintain equipment in order to maintain the VPF's level of service.

The program's monitoring and evaluation record was found in need of improvement. Although the VAPP collected lots of output related data – courses held, manuals produced etc. – it was not structured to assess whether activities contributed to specific outcomes. When outcomes were captured, it appeared as if the data was not sufficiently analysed and used by VAPP as the basis upon which to ground subsequent support activities. The managerial model whereby AusAID/DFAT directly oversaw the AFP's work was endorsed as the appropriate one.

In keeping with assessments of other policing, law and justice programming the VAPP ICR found that the VAPP approach fits very much the definition of what the ODE report on law and justice

⁹⁴ Arthur Caulton Edmanley, Jones Ephraim, Patrick Hagan, Gordon Peake & Eric Scheye, 2012, 'Independent Progress Report: Vanuatu Australia Police Project'.

terms 'organisational capacity development', revolving around the training and equipping of formal state law and justice agencies and their staff, primarily located in and servicing the country's capital, together with support for improving internal management systems and governance processes. The underlying presumed rationale is that increases in the VPF's organisational capacity and skills base will convert into improvements in the quality of the service it provides. This 'organisational capacity development' model is the dominant model of justice assistance provided by the Australian aid program, although the ODE review questions its effectiveness.⁹⁵

The review team recommended a thorough redesign, stressing the need for future policing programs in Vanuatu to be based upon what current (and strong) empirical evidence indicates are the major issues within the police as an institution, a provider of public goods and services (safety and security), and the short- and long-term needs of the communities it serves. In terms of the police, this means an additional focus on ensuring better discipline and/or greater internal and external accountability to improve operational effectiveness. In an across-Vanuatu context this means greater attention to family and sexual violence, improving relationships between youth and the police, and fostering interaction with rural communities and working with *kastom*.

The Independent Completion Report (ICR) for the VLSSP in March 2011 ranked the program highly for relevance, effectiveness, efficiency and impact.⁹⁶ Positive impact was recorded in the areas of sectoral coordination and capacity of key public offices, whilst more modest impact was recorded for awareness and reach of the public sector beyond Port Vila. Despite the high scores given by the VLSSP ICR, it lacks rigour with respect to the measurement of its key criteria, most importantly impact.⁹⁷

In terms of sectoral coordination, the VLSSP ICR stated that the Sector Strategy, 'is already being used as a reporting tool, for example it provides the basis for the MJCS 2009 Annual Report'⁹⁸ and that as a result of the strategy the MJCS prepared a 'coordinated budget submission for the Ministerial Budget Committee for 2010'. The single budget submission has continued but the Annual Report of the MJCS has not been repeated since 2009. One of the criticisms that arose from the stakeholders themselves at the Mele Summit in January 2012 with respect to the sector strategy was that it was not being used as a management tool to guide and measure performance and progress.

With respect to the impact of the capacity building, the VLSSP ICR noted the following: advisers assisted offices in responding to crises and avoiding mistakes, saving the GoV costs by successfully defending matters in court – a general recognition that the Project helped individual legal officers; a current adequacy of professional staff in the three offices (PSO, PPO & SPD); improvement in certain skills (legal research, better case management, application of appropriate charges and in written legal submissions);⁹⁹ SPD staff reported a better understanding of their roles; and a general increase in confidence and improvement in management and administration. However, there is neither formal evaluation of the impact of training nor any measurement of skills improving or

95 VAPP Independent Progress Report (June 2012).

96 VLSSP ICR Final, p. 1.

97 Despite ten years of support there is no baseline, there is no reference to data to support claims of capacity increase by institutions, there is no indication of how intended objectives of each component (listed on p2 of the report) were measured against the criteria for the review.

98 VLSSP ICR Final, p.16.

99 There is no indication of measures.

behaviour change from a baseline position referred to in the report. This in part was the basis for the significant investment of time in Stage One of SRBJ in assessing capacity across a number of levels within the sector, to provide the foundation on which to start to monitor capacity development and measure any results.

The recent Organisation for Economic Cooperation and Development (OECD) report into the AAP funded Timor–Leste Justice Sector Support Facility program,¹⁰⁰ which has a number of useful parallels with the law and justice program in Vanuatu, provides some lessons. The purpose of that report was to 'develop operational guidance for practitioners in the field on the basis of lessons that can be learnt from current programming and to highlight key issues senior decision–makers need to consider to improve the authorising environment in which practitioners work on security and justice programs'.¹⁰¹

The overarching lessons for program design that came out of the OECD review of the Justice Support Sector Facility in Timor–Leste were the importance of (1) *ownership* and the need to flexibly engage to ensure continued and strong ownership, even where there are political and other changes that require fresh navigation and building of ownership for certain interventions; and (2) *results* – ensuring that the focus of capacity development is around service delivery and/or problem–solving strategy in a complementary fashion.

An OECD/International Network on Conflict and Fragility scoping study identified four key challenges to more effective security and justice programming:

- Difficulty of defining meaningful results in a fragile environment
- Challenge to monitor engagements in real–time and to act upon its findings
- Difficulty of ensuring ownership for change efforts over time
- Challenge of setting up versatile, flexible and accountable program management structures.¹⁰²

AAP's 2008–9 Annual Thematic Performance Report on Law and Justice¹⁰³ included the following recommendations for strengthening the impact of assistance:

- *Fitting the local context* – building a common understanding about the nature and relative priority of law and justice issues in partner countries and integrating short–term specialised assistance with broader reforms
- *Being more realistic about what Australian assistance can achieve* – including supporting partner government processes to measure performance and ensure gender–disaggregated data
- *Supporting partner country ownership* – supporting partners to decide their own reform agenda and their use of external assistance. Supporting analytical work that can help stimulate partner country policy development. Making strategic use of regional and international partnerships.

100 OECD Report, 'From Quick Wins to Long Term Profits? Developing better approaches to support security and justice engagements in fragile states: Timor-Leste case study 1', September 2012.

101 OECD Report, September 2012, p. 1.

102 Ibid.

103 AusAID, 2010, Annual Thematic Performance Report: Law and Justice 2008–9 AusAID, Canberra, pp 9,36–37, 41–42.

- *Addressing gender equality* – particularly supporting integration and linkage of justice sector programs with initiatives to end violence against women.

Similar themes are reiterated in the more recent ODE Evaluation of Australian Law and Justice Assistance, 'Building on Local Strengths'. The evaluation draws out some 'promising strategies' from its case studies, which can be synthesised as follows:

- Take an incremental rather than a comprehensive approach
- Be flexible and localised – 'good enough' solutions are often sufficient
- Focus on issues that have local constituencies for change
- Working closely at the point of interaction between law and justice institutions and citizens can be more effective (as the causal link is more short and direct).

Relevant recommendations of the ODE report include (paraphrased):

- Keeping objectives more modest and more specific (which generally improves the program logic)
- Building on strengths and being incremental in capacity development, not using idealised institutional standardised packages
- Giving violence against women a higher priority throughout law and justice programming
- When working with justice systems, promote collaboration on specific, substantive issues rather than on aid management
- Questions of sustainability need to be dealt with more honestly and more realistically and therefore more appropriately¹⁰⁴

The AAP evaluations mentioned above echo an increasing international dissatisfaction over the past 13 years of development aid to policing, law and justice.¹⁰⁵ The core of aid to the sector has tended to be focused on organisational capacity development, which has provided only patchy results. The 2011 World Development Report specifically made 'technical assistance and financing for multi-sectoral community programs that involve policing and justice as well as development activities' one of the recommendations for improved assistance to fragile and conflict-affected countries.¹⁰⁶ There has been an increase in the appreciation for the value of 'justice' as a development outcome in itself, rather than solely as an economic enabler. This allows for a more human-centric, rights based approach. As Livingston Armytage notes:

*This recognition creates a space to admit justice to the development pantheon of political economy, and opens the dialogue on the role of justice and its crucial relationship to development.*¹⁰⁷

The global experience of law and justice reform and development endeavours shows that no amount of capacity building and collaboration of formal actors within the sector *necessarily* translate into results or improvements in the wellbeing of the beneficiaries, which is the ultimate

104 AusAID ODE Evaluation of Law and Justice Assistance, 'Building on Local Strengths', pp 47–54.

105 This is since the commencement of VLSSP in 2000.

106 World Bank, 2011, Conflict, security & development, World Bank Report 2011, Washington DC, USA, p. 255.

107 Armytage, L. 2012, Reforming Justice, A journey to Fairness in Asia (Cambridge) p. 11.

strategic focus of this design.¹⁰⁸ Capacity building and collaboration of formal actors are generally not sufficient alone in attaining that goal, although those interventions might necessarily be part of the mix for good, bad or benign reasons.

Historically, policing, law and justice development programming has often, unwittingly, exacerbated existing inequitable systems. As Sage and Woolcock note:

*In many countries legal systems in fact serve to perpetuate inequitable power relations and discrimination, producing what we are calling 'legal inequality traps'. Structures of inequality affect both the creation of justice sector institutions and the context within which they operate; they are embedded in the rules, practice and norms that perpetuate these institutions. Legal and regulatory institutions, in turn, affect the distribution of opportunities and the processes by which these opportunities can be leveraged to enhance well-being. In some countries, justice sector institutions by their very design perpetuate elite interests at the expense of the majority of the population. In many other countries, formal rules which seemingly protect the interests of the broader community are undermined by institutional practices and informal strategies. Whether understood as 'elite capture' or corruption, these systems and practices serve to increase the power and wealth of a few at the expense of the majority of the community, leaving the poor suffering the harshest consequences.*¹⁰⁹

Sage and Woolcock, among others, have noted that an idealised focus on the form rather than the substance of rule of law has bedevilled attempts to improve justice systems. They explain that:

*A coherently integrated and iteratively sequenced reform package comprising story, theory, evidence, and practice is needed to inform supportable strategies for designing, implementing and assessing social development projects, especially those that entail trying to improve the quality of justice systems ... One of the main problems with the justice sector reform movement, however, is its focus on a predetermined ideal that is articulated in terms of its form, rather than being based on an understanding of the socio-economic and political functions that rule-based systems play in any given society; these institutional myths surrounding the 'rule of law' model are embodied in justice reform programs. This approach reflects a theoretical model that starts with a perfect 'rule of law' system, from which dysfunctional systems have deviated.*¹¹⁰

Despite the accepted failures of past legal and judicial reform initiatives, it is still widely recognised that effective legal and regulatory frameworks are essential for sustainable economic development and poverty reduction. The question is therefore not whether justice sector reform interventions can or should occur, but rather: What does experience tell us *about how best to approach, design, implement and assess policy and project initiatives* that attempt to build more equitable justice systems for those who are most vulnerable, marginalised, excluded or victimised.

The following key lessons have been identified:

108 The evidence of waves of failures in this area is well synthesized in the article of Caroline Sage & Michael Woolcock, World Bank, Breaking Legal Inequality Traps: New Approaches to Building Justice Systems for the Poor in Developing Countries, Arusha Conference, New Frontiers of Social Policy – December 12–15, 2005 cf pp11-12.

109 Ibid. p. 4.

110 Sage & Woolcock, p. 23.

- Monitoring and evaluation in policing, law, and justice development has often been inadequate, in particular capacity development interventions must apply some effective measure of results, and more focus needs to be placed on measuring outcomes rather than outputs.
- The merits of the models of delivery adopted in previous phases – namely institutional capacity building through the provision of dedicated advisers – has been assessed in detail by a team of law and justice experts commissioned by DFAT 's Office of Development Effectiveness (ODE). The ODE review found minimal evidence that an institutional capacity building approach *alone* leads to improved policing, law and justice services. The ODE advocates a model that combines institutional capacity building, problem solving, service delivery and thematic approaches in order to advance law and justice outcomes and increases the chance of measurable results.
- Expand capacity development activities beyond institutional capacity development and include support to both government and NGO initiatives
- A sector wide approach is more effective when sector strategy is used as a management tool and collaboration is focused on specific application (issues), i.e. promote collaboration on specific, substantive issues rather than on aid management.
- Flexible engagement maximises continued and strong ownership.
- Working more closely at the point of interaction between law and justice institutions and citizens can be more effective (as the causal link is short and direct.
- More modest outcomes, and good enough solutions may be more realistic than idealised and overarching solutions.
- Including 'justice' as a development outcome in its own right is valuable.

Sector priorities

The priorities of the sector have been articulated through refinement of the eight cross-sector strategies in the JCSSS, endorsed by the Council of Ministers, which are:¹¹¹

1. **Kastom:** Strengthen the kastom system of management and dispute resolution and the linkages with the formal system;
2. **Juvenile Justice:** Develop an integrated Juvenile Justice System inside the sector;
3. **Victim support:** Improve the sector's response to protection and services provision for victim support;
4. **Infrastructure:** Develop and implement a comprehensive infrastructure plan;
5. **Human rights:** Develop a national framework for implementation of treaties and constitutional provisions;
6. **Crime and the impacts of crime:** Develop a comprehensive crime prevention and protection strategy that engages Government, communities, kastom authority, business, NGOs;
7. **Delays in case management:** Reduce unnecessary delays in case management across the system; and
8. **Access to justice across all provinces:** Develop and implement appropriate and evidence based collaborative strategies that address barriers to access.

¹¹¹ This was approved by the Council of Ministers while in Torba in April 2013.

Cross cutting issues

Gender equality, disability inclusiveness, anti-corruption, HIV and AIDS, child protection, environment and aid effectiveness are cross-cutting issues relevant to policing, justice and community services programs.

In line with Australia's whole of government approach to law and justice assistance, the AFP delivers police development programs in accordance with both its own, and key DFAT policies and guidelines regarding crosscutting themes. The AFP identifies the cross cutting themes of gender, human rights and anti-corruption in the IDG Strategic Framework. The Framework also covers HIV and AIDS.

Gender equality

Whilst women play an important role in the community in Vanuatu; mostly managing households, perceived as resolving problems, providing care and participating in the fabric of daily life, women face many barriers to accessing justice in Vanuatu. Lack of knowledge of their rights or the justice system, remoteness, isolation, *kastom*, dependence on male relatives for resources, and the threat of sanction or stigma are some of the social barriers that women face in accessing the formal justice system to address violence against them. A proxy indicator for this is the formally reported incidence of rape and gender based violence (as yet unreliable but low) compared with the reported incidence in the National Survey conducted by the VWC and the National Statistics Office (NSO) which states that 60% of women in Vanuatu have experienced sexual or physical violence at the hands of male partners or husbands.¹¹² Women's access to justice is limited in a number of interconnected ways including by lower levels of employment and education, geographic distances and lack of an available formal legal system in most of Vanuatu. Poor capacity of the justice system, including awareness of legislation and forensic capacities makes claiming justice difficult. These problems result in high levels of under reporting and attrition before cases reach courts. Women in Vanuatu are vulnerable. Women remain under-represented in justice professions and decision-making positions at all levels of the sector and government and parliament. The GoV has *de jure* committed to gender equality¹¹³ however *de facto* it makes no such commitment with not even one vatu provided for the operational costs related to women for the DWA in the recurrent budget.¹¹⁴

Gender mainstreaming is applied throughout this design, particularly in Components One and Two, with particular activities targeted at women (for example, women in leadership development pathways, and women's roles as police officers), and one part of Component Three is directly targeted at improving the pathways to action for women experiencing family violence.

PJSPV will develop a Gender Mainstreaming Strategy that applies to both SRBJ and VAPP programming. This will be initiated by SRBJ prior to the commencement of Stage Two to provide a foundation for SRBJ's strengthened work in this area and the basis of further discussion and

112 Vanuatu Women's Centre. 2011, Vanuatu National Survey on Women's Lives and Family Relationships.

113 Vanuatu acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1995. GoV pays salaries of staff within DWA but provides no operational budget to the Department with respect to women.

114 This is despite the fact that promoting gender equality and empowering women is an identified policy objective of the PAA and PLAS.

development with VAPP. This strategy will be consistent with the AAP gender policy and related initiatives set out in: *Gender equality in Australia's Aid Program: Why and How* (2009).

Disability inclusiveness

In Stage One, SRBJ provided grants facility funding to a disability public awareness program. In Stage Two the grants facility will be similarly available to support such targeted activities. In addition, SRBJ will support expanding awareness of rights of people with disability by providing training to justice organisations across the sector and the community and to people with disability themselves and by including disability rights in human rights training for police officers and prison guards and other justice actors.

Anti-corruption

The AAP policy on anti-corruption for development is set out in: *Tackling Corruption for Growth and Development* (2007). The PJSPV will support the implementation of the AAP policies on corruption by ensuring safeguards have been put in place to detect and address corruption in the use of Australian funds for Vanuatu's justice and community services sector. A key outcome area for SRBJ is strengthened data collection and management, including more transparent court case management as well as strengthened financial management across the public agencies. Vanuatu is at ranked 125/187 by Transparency International in terms of corruption.

In addition, AAP has recently completed a Partnership Financial Management (PFM) Risk Assessment for the policing, justice and community services sector and the recommendations of that assessment will be supported by PJSPV, in particular through the employment of a Public Financial Management Adviser.

The PJSPV will:

- Use procurement processes consistent with the Government of Australia's Commonwealth Procurement Rules;
- Use procurement procedures, consistent with international standards of honesty and probity;
- Encourage the use of a merit based selection processes for recruitment, promotion and selection for training programs in all partner agencies; and
- Foster and maintain high levels of ethical behaviour in all initiatives.

The investigation of anti-corruption issues are part of the AFP's core business-law enforcement.

HIV and AIDS

PJSPV will ensure that all of its interventions do not discriminate against people living with HIV and that any legal literacy or awareness includes a Vanuatu adapted HIV and AIDS module, where appropriate, based on advice of those working with people living with HIV.

Child Protection

The AAP *Child Protection Policy* states that AAP has zero tolerance for child abuse. The managing contractor and any NGO which receive funds under PJSPV, and who will work with children, will be required to have a child protection strategy and meet AAP mandatory child protection compliance standards. The investigation of child protection offences is part of the AFP's core business-law enforcement.

Component 3 contains a significant focus on child protection.

Environment

PJSPV is not anticipated to have any significant adverse environmental impact in Vanuatu. Air travel between Australia and Vanuatu, and within Vanuatu presents the most significant environmental impact of the Program.

Aid Effectiveness

This design addresses efficiency, effectiveness and proliferation¹¹⁵, in a number of ways through joining together two separate programs, and in this way draws on the strengths of both the AFP and the managing contractor.

As previously noted, AFP members deliver direct support to Australia's national interest in ways not able to be delivered by privately contracted advisors. This includes very close association at a police-to-police level with the highest echelons of partner nations police services. In the immediate region; a lack of military services means that this translates to association with the highest level of security forces. This association leads to:

- Awareness of institutional and national policy
- In some instances to positively influence institutional and national policy
- Confidence building in times of conflict.
- Members who are pre-positioned, have high level relationships and local awareness in cases requiring Australian support to humanitarian and disaster support
- The building of long-term police-to-police relationships that may commence with capacity building but may, in years to come, morph into productive transnational crime cooperation with mutual benefit.
- •High level knowledge of current Australian approaches to international policing including an awareness of development requirements.
- Direct support from IDG headquarters, including on matters such as policy development, training and access to specific skill sets.

It is of note, however, that this design contains a number of positions that service both programs. These positions are recruited through the managing contractor under the AAP Adviser Remuneration Framework (ARF), representing savings on equivalent positions that could be recruited through the AFP. The employment of LES through the managing contractor is more cost effective than employing them through the AFP. The program will also consolidate a number of administrative functions and assets. By the managing contractor assuming some of these administrative and financial functions for PJSPV it frees up skilled police adviser's time to impart policing skills. The managing contractor assumes the significant risk of payment of funds, then seeking reimbursement approval from DFAT.

The design also addresses efficiency by using ni-Vanuatu professionals for long-term managerial and technical assistance inputs and aligning with GoV systems. Strengthened opportunity for harmonisation of aid around a clear strategy for the sector, while supporting the capacity of the MJCS to coordinate donors, will increase efficiencies for AAP and other donors within the sector. Child protection interventions by donors and programs have been an example, where a retrospective increase in coordination was required to prevent proliferation and inefficiencies in

115 Proliferation means duplication and overlap of programs seeking to implement the same initiatives.

aid. Gender initiatives are similarly vulnerable with the potential for overlap of multilateral, regional and bilateral interventions.

In keeping with increased emphasis by AAP on assessing the effectiveness of Australian aid, this design reflects Australian commitment under the Paris Declaration and the Accra Agenda for Action. The AAP Aid Effectiveness Review also informs this design. The design supports stronger government-to-government partnerships, coordination and collaboration. The program framework sets out end-of-program outcomes that identify progress expected as a result of working in partnership with GoV with the aim of increasing use of government financial and management systems. These outcomes are realistic and measurable to inform management.

In particular, the design addresses the cross-cutting issues of proliferation efficiency and results. Activities funded in the sector should explicitly highlight their approach to these issues, and use separate monitoring to track and report progress in these areas. Evidence from recent reviews suggests use of targeted activities within a wider program is an effective way of addressing thematic issues such as violence against women, whilst reducing proliferation in the portfolio.

4. Investment

Responsibility for safety, security and access to justice involves a range of people and institutions working together. This integrated design recognises that many of the initiatives proposed can only proceed with active involvement from multiple agencies across the policing, justice and community services sector. This design aims to bring together points of intersection, existing in-country expertise, and applied knowledge currently located in two separately funded programs. Prosecutors cannot be more effective without working together with VPF to improve the quality of briefs. Tracking criminal cases through the system is difficult if police do not record accurately the cases that come before them. Work on addressing gender-based violence will be considerably less robust if it does not actively include and involve the police. While it is possible to improve various aspects of the criminal justice sector chain at individual, agency and functional group levels, if this is attempted without the inclusion of police an important piece of the jigsaw is missing.

Working together will make the most of both the AFP's extensive policing experience and relationships *and* SRBJ's coordinated, context specific and evidence-based approach. Combining efforts creates a number of important synergies, and makes available to the VPF a much wider range of opportunities. It is also an important symbolic statement on the part of Australia, ensuring that the manner in which it approaches its own programming mirrors that what it wants to achieve in Vanuatu in terms of co-ordination and collaboration.

These challenges cannot be addressed through adopting only one approach focussed on inwardly building institutional capacity. It requires thinking creatively about how to promote change so that the end-users of these institutions– the citizens of Vanuatu – can see a measurable difference in how these institutions operate. The designers of the police sub-design were of the view that the way that this was conceived in the SRBJ draft design was also a good fit for the policing sub-design *and* would facilitate the two programs working together to achieve some common outcomes. For this reason the integrated design entails improved coordination across the entire sector (Component One of the design), increased capacity to solve problems at individual, functional group, agency, and sector level (Component Two of the design) whilst implementing activities directly at the level at which change is sought for target beneficiaries (Component Three of the design).

At the same time the designers of the policing sub-design noted that it is important to recognise that, like all organisations, the VPF has its own particular needs, which any intervention will also need to cater for. Specific needs within the VPF include the continued requirement for funding to support police functionality, improved internal (and external) accountability and specific and targeted internal advocacy on key developmental challenges. Thus, while many of the activities that are described in this investment description fit readily within the boundaries of the current three components and end-of-program outcomes outlined in the draft SRBJ design, some do not.

Program Theory, Organisation and Logic

The policing sub-design team considered the Seven Step Program Theory for the Justice and Community Services Sector and the Program Logic found in the SRBJ Stage Two draft design, and found them relevant to both the policing sub-design and an integrated design for the PJSPV. Minor amendments have been made in order to make it clearer that the program theory and logic applies to the police as well as it does to the broader justice and community services sector. The amended seven-step Program Theory and Program Logic for PJSPV are illustrated below.

This overarching PJSPV program, managed by DFAT, provides for two programs, SRBJ and VAPP, one managed principally by a managing contractor and one managed principally by the AFP, to link on a range of significant programming endeavours while also maintaining the flexibility to respond to the different identified needs of policing and the justice and community services sector. Within the PJSPV design the three components of the policing element mirror the three components found in the SRBJ Stage Two draft design for the law and justice sector. However, Component 2 is now conceptually broadened to include both organisational and capacity development to cater for particular, and different, needs of the VPF including its operational role.¹¹⁶

The three components of the PJSPV are:

- 1. Sector Coordination, Collaboration and Communication;**
- 2. Organisational and Capacity Development; and**
- 3. Protecting Children and Justice Pathways for Women and Youth**

These three components are designed to contribute to the vision and mission of the policing, justice and community services sector in a highly integrated and mutually reinforcing way. The PJSPV will support formal sector coordination; targeted, contextual and applied capacity and organisational development for the whole of sector that includes initiatives at the stakeholder to community level; and an increasing emphasis on community orientated thematic interventions intended to improve justice outcomes for targeted groups within the community; and providing an evidence base for policy decision making at the national level.

The approach is a blend of top–down (component 1, and most of component 2) and bottom–up (component 3 and some of component 2) interventions that focus on both formal and informal actors within the sector and strengthen both supply and demand. The Strategic vision of the design is to drive results through stakeholder interventions (components 1 and 2) to beneficiaries, whilst implementing simultaneous activities more directly at the level at which change is sought for the target beneficiaries (children, women and youth). This consolidates the focus of the design on the beneficiaries; the target users of the services. The approach recognises, in particular, that the two systems of formal and customary justice do not function in complete isolation or in parallel from each other but rather as interwoven in many, sometimes invisible, ways and the insufficiency of likely impact where interventions focus is only on collaboration and institutional capacity development.

The EOPOs to be achieved by the policing component by 31 December 2016 mirror, and are derivative of, the SRBJ EOPOs. Some rearrangement between Component 1 and 2 provided for a better fit for the policing element.

¹¹⁶ Thedraft Justice and Community Services Sector Capacity Development Strategy 2014–2016 (Annex 4), which provides for capacity development at five levels including individual, functional sub–group, agency, cross sector and sector to stakeholder levels. This will be presented to the HOAG for approval in late May 2014 It does not yet include provision for the VPF.

Component 1, end-of-program outcome 1:

- 1 Networks within the VPF, justice and community services agencies influence positive change (VAPP & SRBJ)

Component 2, end-of-program outcome 2:

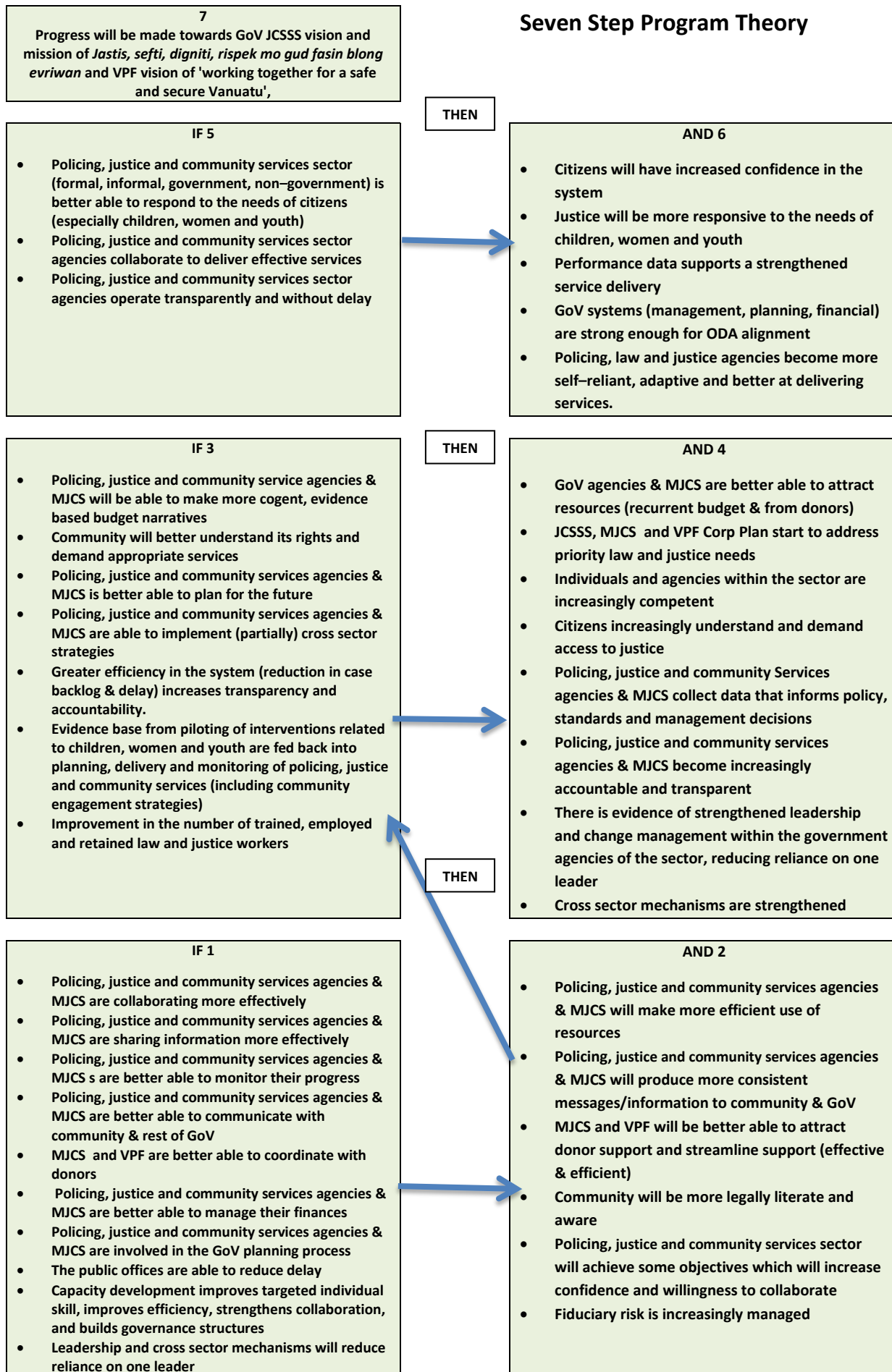
- 2 The VPF and justice and community services agencies demonstrate improved service delivery to women, children and youth.

Component 3, end-of-program outcome 3:

- 3.1 The VPF and justice and community services agencies use evidence to support improved responses to the needs of women, children, and youth.
- 3.2 The VPF and justice and community services agencies implement targeted initiatives that deliver better services to women, children and youth.

The Intermediate Outcomes, to be achieved by PJSPV between 1 July 2014 and 31 December 2015, mirror and are derivative of those in the SRBJ draft design. The resulting aligned Intermediate Outcomes are illustrated below in the PJSPV Program Logic and are also developed further in the respective SRBJ and VAPP Indicative Activities Logframes (Annex 13 and Annex 14).

Seven Step Program Theory



Program Logic for PJSPV

(over page, larger version at Annex 12)

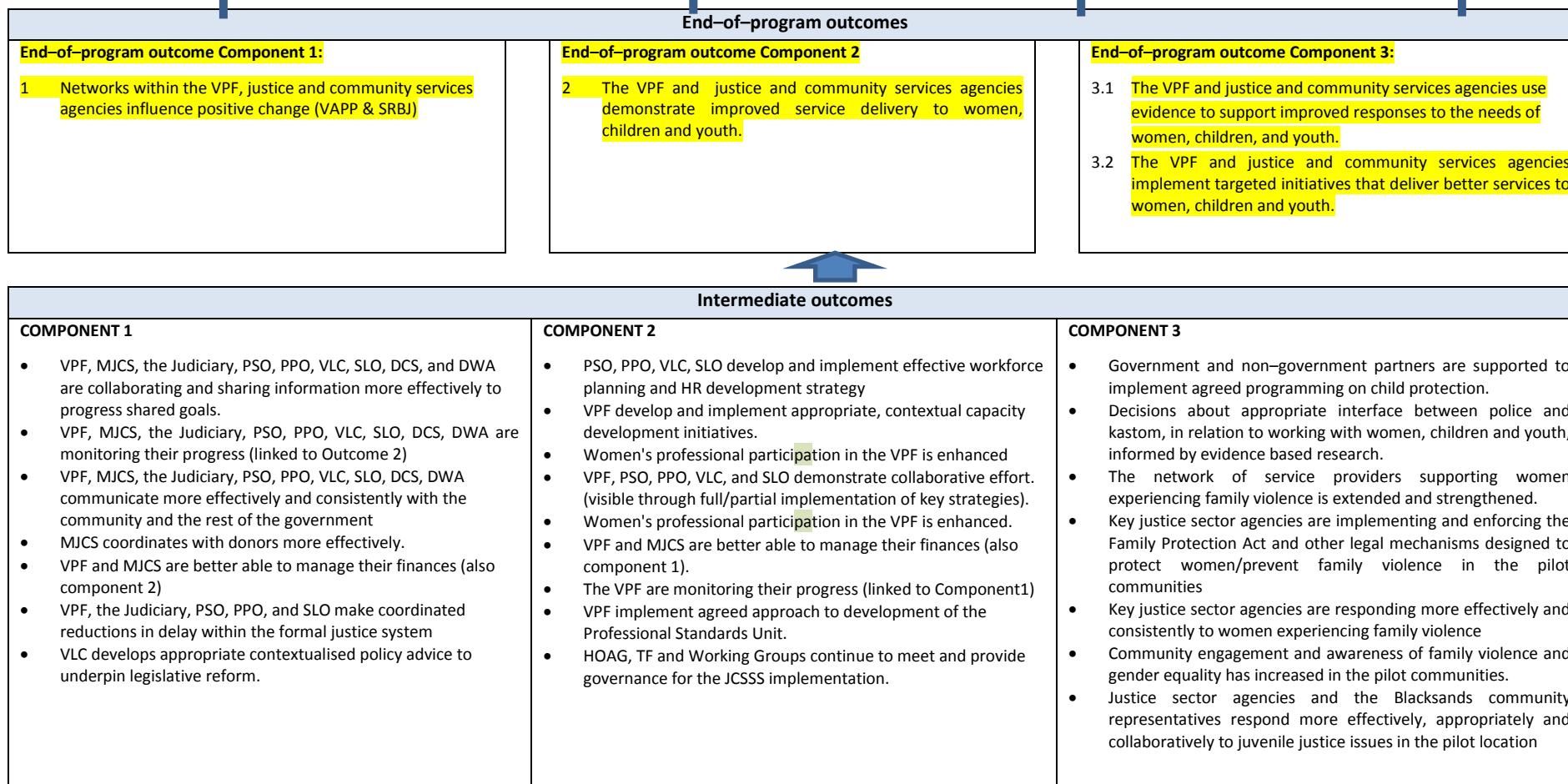
Sector's vision/Partnership Goal:

All justice services promote justice, provide fair & equitable services to meet the needs of the community, rule of law & protection of human rights

Sector's mission/Partnership Objective:

Efficiency of the Policing, Justice and Community Services Sector (internal):
Policing, justice and community services sector is working more effectively and efficiently

Service delivery of the Policing, Justice and Community Services Sector (external)
Policing, Justice and community services sector responds more effectively to the needs of women, children and youth



Program Approach

The PJSPV program will support Component 1 (collaboration, coordination and communication of the sector) and Component 2 (organisational and capacity development), recognising that these are necessary to drive the program but likely to be insufficient alone to deliver results to the target beneficiaries. Component 1 builds GoV buy-in and support, perhaps greater efficiencies and resources, transparency and perhaps demand.¹¹⁷ Component 2 is the enabler with opportunistic, outcome-focused, problem-based capacity development interventions that will be researched, contextualised and appropriate. Component 2 provides a link between components 1 and 3, through its multiple levels (five), most particularly the sector to stakeholder level.

The PJVSPV program resists a simple top-down, supply driven approach but works both from a top-down and bottom-up, demand driven direction, at times targeting both simultaneously to magnify results. It is intended, for example, that the community safety pilot under Component 3 provides an evidence base and informs the progress of the sector strategy for juvenile justice and crime prevention. The outputs will additionally provide increased access by the target beneficiaries to decision-makers (building on the 2013 youth symposium and youth law program requested by the youth consulted for the SRBJ case study, with participation by all the actors of the formal justice sector (in addition to other sectors such as health and education) and the participation of youth representatives on relevant sector working groups such as the juvenile justice working group and the crime prevention working group).

Interventions like components 1 and 2 have the capacity to absorb infinite resources but have been shown over a sufficiently extended period of international development assistance to the justice sector to be of limited ultimate benefit to human wellbeing. The strategic vision of PJSPV therefore is to drive the benefits of the interventions to the target beneficiaries through the enabling components of 1 and 2 in tandem with the targeted interventions under component 3. The allocation of resources of PJSPV to the progress of component 3 needs to be diligently protected as there will always be a natural drift on both the side of GoV and the AAP towards component 1 and 2.¹¹⁸ This needs to be resisted for the sake of ceasing to do endlessly what is recognised has limited effect.

The unifying idea in targeting the issues outlined above in this section is to focus on and strengthen the responsiveness of the sector to the needs of the target beneficiaries, which provides the link between the supply of services and the demand for those services by those beneficiaries. The responsiveness of the sector is here used as a narrower and sharper subset of access.

The program will be implemented over a relatively short time period. However, the VAPP design in particular is structured in order to be catalytic in nature, with key development challenges addressed to ensure greater self-reliance of the VPF in future, with an anticipated decrease in the

117 Demand will occur through greater accountability and transparency, more awareness of the services to which community should feel entitled and greater legal literacy (the sector wide communications strategy).

118 Components 1 and 2 represent the interests of the decision-makers and power holders, they are more accessible and understandable to donors, government to government support can become a default setting, government has a greater (potentially infinite) absorptive capacity; government generally has a louder voice.

need for advisers beyond the life of this program; and the future possibility of using government systems for managing development partner funding.

While the design emphasises points of collaboration and cooperation between the two programs; and some functions, positions and resources will be shared; it is intended that both SRBJ and VAPP will in other ways continue to manage their own programming. The management arrangements are discussed later in this section. Consequently the next two sections separately outline the Investment Description for the policing component (VAPP), and the Investment Description for the justice and community services component (SRBJ).

Resourcing–Financial and Human

Fourteen point nine million AUD has been allocated for the activities described in this PJSPV investment design.¹¹⁹ Approximately 55 percent of this allocation will be earmarked for the SRBJ component and 45 percent will be allocated for the VAPP component. A detailed indicative budget for both the SRBJ and VAPP components will be provided to DFAT, separate from this design document. The percentage allocation of positions shared between the two components will need to be agreed and confirmed.

It is recognised that a high proportion of the PJSPV budget is allocated to technical assistance. This is a reflection of the early stage of programming and the relatively limited pool of high–level technical people in a small island state. While the difficulty of delivering lasting change through technical assistance is understood, the design seeks to be catalytic in its use of other modalities and a strong recognition of the importance of context in design and implementation, flexibility to be responsive opportunistic, iterative, and focus more on building strengths than addressing weaknesses. As in Stage One of SRBJ, SRBJ will continue to recruit technical assistance jointly with the AAP, GoV, counterparts and implementing partners at each stage. Whilst this means that the recruitment process is more time consuming, equal participation in all aspects of the process – the development of the terms of reference for the position; the shortlisting of appropriate candidates; interview and ranking of applicants; selection of appropriate advisers and performance management of those personnel – has proven beneficial. It has resulted in strong engagement with and ownership of the technical assistance that is being provided.¹²⁰

Counterparts will continue to play a key role in determining the appropriate type of person for the relevant position in addition to the technical skills of the adviser. As much importance is placed on the technical skills of the adviser as on their capacity to build relationships of trust and engagement, and strengthen capacity and self–reliance not dependence.

Position descriptions for personnel outlined in the Investment Description for VAPP and the Investment Description for SRBJ (sections below) can be found at Annex 15.

119 The budget figure is based on the assumption that budgetary modalities between AFP and DFAT continue in the new phase of the program.

120 A key example of this from Stage One of the program is the Case and Data Management Adviser position. The terms of reference were developed in partnership with the MJCS, the OGCI and with the endorsement of the judiciary. Whilst this meant that the recruitment process was lengthy all key institutions demonstrate a good understanding and engagement in the work of the adviser.

Investment Description–VAPP

This section describes the investment for the policing component. An indicative table of activities can be found at Annex 14. Cross–references to numbered intermediate outcomes listed in Annex 14 are found throughout this description below.

The ‘policing’ investment will consist, initially, of:

- Three in–country AFP advisers who will work closely with SRBJ development practitioners;
- A new across–sector position focussing on public financial management;
- Three locally engaged staff (LES);
- A new case and data management system to improve performance;
- Continued financial support for non–salaried operational and maintenance activities (‘the fund’); and
- Additional opportunities for the VPF to access advisory support and professional opportunities.

Working in a close and collaborative fashion, the advisers will have specific responsibilities for:

- Strategic advice to the VPF Commissioner and VPF executive;
- Professional Development and Professional Standards;
- Community engagement and improving investigative systems and processes; and
- Public Financial Management.

As the components of the SRBJ are purposefully interconnected this is also reflected in how the responsibilities of advisers in the police component are structured. Advisers will work across components rather than being compartmentalised into one area. An activity plan is set out in Annex 14. The responsibilities for advisers and support staff are set out in Annex 15.

High–level strategic advice and oversight (contribution to all intermediate outcomes)

The Coordinator/Adviser to the Commissioner will play a key role in providing high–level strategic advice to the Commissioner of Police and the VPF Executive.¹²¹ While some of this will involve the provision of responsive advice on an *ad hoc* basis, the position will have a clear responsibility to advance strategic engagement on the cornerstones of the program, including:

- The enhancement of women's professional participation in the VPF;
- The response of the VPF to family violence including the implementation of the Family Protection Act;
- Civilianisation of the CSU;
- The development of a properly resourced and effective PSU;
- Issues of police discipline and accountability;
- The progressive roll out of the new Case and Data Management system;
- Improved monitoring and reporting of performance outcomes by the VPF;

¹²¹ In previous iterations of the VAPP this position was known as Team Leader. In other AFP IDG deployments this position is designated Mission Commander.

- Baseline activities including the community perceptions survey and police station visits program;
- The development, implementation and monitoring of the two pilot programs;
- Initiatives to improve and institutionalise Standard Operating Procedures for dealing with youth and children;
- Child protection initiatives; and
- Initiatives to improve police–youth dialogue.

The strategic engagement with the Police Commissioner and VPF Executive will be documented, and evidence of successful advocacy recorded.

Maintaining a strategic focus, the position will work collaboratively to regularly assess the appropriateness of assistance (e.g. meeting the needs of the GoV and partner organisations and responsive to community needs) and, where necessary, propose revised approaches.

The Coordinator will have responsibility for approving up to 20 percent of the operational fund that is reserved for urgent and reactive policing activities and the remainder of the funding, following the process detailed in a previous section.

This position will entail working closely with the SRBJ Partnership Coordinator, the DFAT Senior Program Manager Law and Justice, and the DFAT Counsellor Aid to advance the integrated program and ensure agreed outcomes. They will participate in all relevant PMGs as required¹²² to ensure alignment and coordination of Australian funded assistance to the Policing, Justice, and Community Services sector including the VPF. The role will also assume principal responsibility for coordinating with other Australian funded programming where required, and other donors including New Zealand to ensure effectiveness of combined efforts. The Coordinator also provides an essential link between the Government of Australia and Government of Vanuatu via the VPF and, in that regard, provides strategic input to DFAT on policing policy direction, and analysis of changes in context affecting the outcomes of the program.

The position will supervise all in-country AFP advisers and LES, and will provide (documented) mentoring to AFP advisers on professional development, accountability, systems and processes/investigations and community engagement as required. The position will have continued responsibility for engaging with the VPF on planning and work closely with the Public Financial Management (PFM) adviser.

This adviser position will be based at Police Headquarters (Vansec House) with anticipated travel beyond Port Vila.

Indicative measures of this advisory input are:

- Follow up of issues relating to discipline raised with VPF Commissioner;
- Commissioner endorses revised policies and processes that support women's professional participation in VPF; and
- Commissioner endorses provision of appropriate support and resources to PSU.

122 VAPP PMGs are held quarterly and SRBJ PMGs are held monthly.

Public Financial Management (intermediate outcome 2.3, contribution to intermediate outcome 2.4)

Australian funding to support VPF should continue but it needs to be allied with parallel steps to improve the VPF's abilities to manage their own finances, increase efficiency in delivering their service and provide greater accountability.

This input will focus on improving the VPF's financial administration, an area that has been identified as vital in a raft of previous reports, including a comprehensive PFM assessment¹²³ Wider managerial Issues identified in the CSU revolve around timeliness, office management, not following the budget, and misalignment of member skills to task. It is highly unlikely effective change will take place in the VPF, or across the justice sector, without addressing issues within the CSU.

Accordingly, the program will support the establishment of a new advisory position with a remit to improve, standardise and make reliable the public financial management processes within the corporate support areas of the Government of Vanuatu law and justice sector agencies, including the VPF. This individual, who will be a seasoned practitioner in Public Financial Management, will, among other tasks:

- Prioritise and implement the recommendations of the PFM Assessment carried out for the law and justice sector, to strengthen partner government systems and processes;
- Conceptualise and take the lead on producing a capacity development/training strategy for CSU staff across the sector, including the VPF;
- Work with the VPF Executive and CSU to analyse 'the real cost of policing' in order to develop budget proposals (that cover the cost of current salary shortfalls) and reliable budgets for functional areas within the VPF; and
- Provide a costed study and options regarding ongoing liabilities of retirements in the VPF for CSU budget planning purposes.

This position will be practically focussed on improving existing procedures and, as much as possible, it will not involve the generation of paper outputs such as reviews or developing new registers.

An important pre-requisite for reinvigorating the CSU is ensuring that there is a good fit between member and task. The team notes the preference of the GoV for civilianising the CSU and AFP support for this proposal. Taking initial steps to civilianise the CSU – e.g. developing job descriptions for posts and providing allocations for hiring new staff – will be an important measure of GoV commitment.

This position will be split 50–50 between the police and justice and community services components of the program. The position will be sourced through the managing contractor.

Indicative measures of this advisory input are:

- Real cost of policing reflected in budget submissions;

123 Assessment of the Law & Justice Sector and Vanuatu Police Force Public Financial Management Systems, Vanuatu Draft Report, June 2013.

- Percent change in requests for funding coming via CSU; and
- Development and presentation of an options paper on civilianisation to VPF Commissioner and executive and PMG.

The Operational Fund (intermediate outcome 2.3)

While the fund is a vital tool for enabling operational functionality, it needs to be better aligned with existing GoV and VPF systems. Currently, the fund is working effectively as a parallel funding stream and so (inadvertently) undermines the role of the CSU.

As noted in the context description, the interim VAPP was envisioned as a 'stopgap' measure prior a new design. The current mechanism for approving funds was never intended as a long-term measure. Within the context of this new design, it is now timely to consider how to restructure the fund so that its' intent – additional resources for VPF to provide a service – remains but so that it also becomes a tool for capacity development and better planning. This will mean moving away from the current system, which is principally reactive in focus and takes up a significant portion of VAPP advisers' time to manage. (It is also totally inefficient to have two Australian programs in the same sector managing two separate funds, as is currently the case).

At the same time, there is obviously a requirement to ensure that any new funding mechanism is sufficiently flexible that it can respond to urgent operational matters as they arise. The team was told on countless occasions during its in-country consultations variations of 'many policing functions are reactive and cannot be predicted' and that only police officers had the requisite experience to adjudicate on whether to support these requests.

The issue, therefore, is how to maintain the logic of the fund while maximising the comparative advantage of having police professionals as advisers. The team suggests that the following principles should apply:

- All funds are disbursed by the managing contractor;
- The CSU plays a significant role in managing the funding process;
- Up to 20 percent of the fund will be reserved for urgent reactive requirements, the approvals for which will be based on the informed professional judgement of police advisers and their VPF counterparts;
- Fifteen percent of the fund will be reserved for maintenance;
- Fifteen percent of the fund will be reserved for fuel and maintenance for the VAPP purchased boat, the *RVS Turoroa*;
- Twenty percent of the fund will be reserved for capacity development activities; and
- Thirty percent of the fund would be reserved for operations broken down by functional areas of the VPF and used for areas of programmatic focus (e.g. fostering police–community bonds).

These percentages are indicative and intended to serve as a guide; they may be updated as the program progresses and spending is monitored.

The definition of urgent should be: 'a risk to the safety of persons, safety of property, risk of the investigation or response to an incident being impacted by delays or a detrimental reaction if there

is a reasonable expectation of immediate action'.¹²⁴ The sub-design team noted that this definition, provided by VAPP advisers, is quite a restrictive one.

Management and governance arrangements for the fund would have two separate elements: one for the 'urgent' funding and one for all other items, activities and initiatives. The following broad principles apply and are based on the current Vanuatu policing context.

For operations that meet the definition of urgency set out above, approval rests with the VAPP Coordinator and the VPF Commissioner. Following their signed approval, the managing contractor will disburse the funds. The managing contractor should be indemnified for any decisions taken.

The remainder (and vast bulk) of the fund will be broken into allocations in order to provide certainty of funding. As now, VPF officers would apply for funding via the CSU but, instead of requests being dealt with on a case-by-case basis, funding requests would be dealt with in one tranche during a monthly meeting of a subgroup of the PMG who will make recommendations on funding.¹²⁵ As before, final signed approval remains with the Coordinator. The managing contractor will disburse the funds. This is a much more efficient, accountable and less time-consuming approach. Details of how the PMGs could work in the new program are suggested in the following section on implementation arrangements.

The application form will be recast to specify that there are categories specifying what is being applied for. The form will be in English and Bislama so as to ensure that no officer in the VPF is at a linguistic disadvantage in the process.

At the centre of this process would be an essential role for CSU, which will be receiving dedicated support from the program in the form of a PFM adviser. In this new modality, the application form will go to CSU for initial checking. From there it will go to the SRBJ contracts manager and Coordinator VAPP for a triple process of quality assurance before these proposals are discussed within the context of a PMG. Acquittals would be handled in the first instance by VAPP Coordinator, and then passed onwards to CSU and the contracts manager to double-check the figures. The contracts manager would apprise Coordinator VAPP about this process in case there are any issues he needs to raise with the VPF executive etc. There will obviously be an important role for the PFM person and the LES to help this process.

This more streamlined process strengthens the importance of CSU, carries obvious efficiencies and is good development practice. It promotes and inculcates a greater culture of forward planning within the VPF and provides the VPF executive and functional units with a greater degree of certainty about how much funds they can call upon. It provides additional opportunities and a

124 During the sub-design mission the VAPP provided further definitional clarity. 'Safety to the person includes a likely risk of death or serious injury to any person and can include serious threats or intimidation that are reasonably expected to be capable of being carried out. Safety to property includes the high risk of significant loss or damage of property. Risk to the investigation or response to the incident includes, the likelihood of evidence being lost, destroyed or contaminated if not responded to immediately, and the apprehension of the suspect is a high priority to prevent him or her fleeing from prosecution or committing further offences. Detrimental reaction includes reasonable expectations due to political, community or media interest and/or expectations. This will encompass immediate actions as a result of political demands or expectations, the reasonable expectations of the community that an immediate response is required by the police to prevent seriously adverse perceptions and/or if there is likely to be significant media attention surrounding the event requiring police attention.' Email to policing sub-design team 5 March 2014.

125 A possible title for this group could be the Funding Approval Group.

strong evidence basis for capacity development initiatives. For example, if there is a continual set of requests for replacing tyres and car batteries, that is an evidentiary base to do work on issues of fleet management and maintenance. This process is also much more susceptible to M&E.

Indicative measures of this advisory input are:

- Percentage of requests dealt with at PMG sub group meetings compared to percentage of urgent requests;
- Number of successful planned operations that have been approved at PMG sub group meetings; and
- Adviser hours per month spent on operational fund.

Professional Standards (intermediate outcome 2.7)

This component of the program is probably at the most advanced stage of design. In 2013 a VAPP adviser helped develop a concept for future directions for the Professional Standards Unit, a new policy direction has been drafted and the Prime Minister and the Police Commissioner have endorsed this course of action.

The concept that has been designed by a VAPP adviser is comprehensive, creative and inclusive. The VAPP proposal involves everything from issues of branding, including discipline as an agenda item in the Commissioner's executive meeting and the appointment of a female investigator. Additional (and innovative) recommendations developed by the VAPP adviser centre on involving an external body (including youth representatives) to serve in an advisory function and, restorative justice techniques also form part of the package of proposals suggested by the VAPP. The VAPP proposal also includes the need to provide professional support and guidance in the form of access to legal advice for the VPF and its members.

The task of the PSU adviser is to implement this package of proposals. The degree to which there is progress made in the area of professional standards is an important measure of VPF's commitment as well as the strategic advisory influence of the VAPP Coordinator.

Indicative measures of this advisory input are:

- Increase in number of complaints received;
- Increase in number of cases resolved according to VPF guidelines; and
- Reduction in claims against the state for police excesses.

Professional Development (intermediate outcome 2.1 and 2.2, contribution to intermediate outcome 2.4 and 2.7)

This component of the program will build upon previous VAPP accomplishments at the police college. Professional development is an obvious area where AFP working together with SRBJ will maximise efficiencies and learning and development outcomes. A coordinated and considered approach to integrating the professional development opportunities and approaches available would enhance the current value of the college.

The sub-design team noted that the SRBJ CD&L Adviser has already undertaken extensive analysis and strategy development across the law and justice sector, and believes there are opportunities to extend this work with the VPF. Although the capacity development assessment for the police will be completed after the assessment and strategy for the remainder of the law and justice sector, it makes programmatic sense to weave the police into cross-sector professional development programming at the earliest opportunity.

A matter of priority in this component is completing what is currently a half-finished TNA, a task that will be assumed by the SRBJ.¹²⁶ Following the development of this prioritised capacity development needs analysis/training needs assessment, the VAPP adviser will work to ensure an approach to professional development opportunities is produced. This will involve the college but will also most likely involve working with other (Australian funded) education providers such as the Australia-Pacific Technical College and the University of the South Pacific. It is anticipated that training will not be 'VPF only' but that officers will participate in appropriate cross-sector professional technical capacity development (for example, targeted at human resource managers) as part of prioritised training and development strategy and schedule. Opportunities to develop leadership can be accessed through a wide range of resources.

As the program of work evolves, particular attention will be paid to the recruitment of women and gender mainstreaming by providing training and supporting initiatives that will remove barriers to women officers' operational effectiveness. This will involve building on work by current and previous police development programs in this area and working closely with the New Zealand 3P program regarding their work on gender-related issues within police organisations'.

From a police perspective, the job will not centre on organising training courses *per se*, but is facilitative and focused much more on education and professional development. The position will also provide mentoring to VPF trainers as required. Therefore, this position requires an individual with demonstrated skills in education and teaching across cultures. The position will be located at the police training college. A number of days have been built into the budget for capacity development advisory support from SRBJ.

Indicative measures of this advisory input are:

- Pre- and post-testing of participants at VAPP supported courses;
- Implementation plan, based on research findings, developed for addressing barriers to advancing female officers professional participation; and
- Six-monthly workplace follow up to see if VPF officers are using skills learned in courses

This 0.5 Full Time Equivalent (FTE) position will be based at the Police College.

Community Engagement (intermediate outcomes 1.1, 1.3, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7)

The Community Engagement investment will include VAPP support for VPF participation in JCSSS cross-sector working groups, and ensuing action plans, that aim to improve coordinated service delivery by the law and justice sector to the community.¹²⁷

Mirroring the SRBJ draft design, the policing component contains a focus on responding better to the needs of women, children and youth. The VAPP will support the VPF in responding more effectively to women experiencing family violence through institutionalising a more consistent implementation of the Family Protection Act, as well as continuing support for recruit and refresher training on gender equality and responding to sexual and family violence. Together with other

126 Issues reportedly identified in the 'raw data' gathered so far are leadership, management, supervision, investigations, public speaking, fitness and 'getting things done'.

127 In the first instance this will require support to participation in the Victim Support Working Group, the Case Progression Working Group, and the Crime and Impacts of Crime Working Group. Proactive consideration of VPF involvement in the remaining Working Groups will be explored.

stakeholders, expanded and contextualised Standard Operating Procedures (SOPs) focussed on youth and children will be developed to better regulate police discretionary practices pre-arrest. Once developed, training will be conducted on their application. Support will be provided to the VPF for involvement in agreed participation in cross-sector child protection programming as this develops.

The VAPP will support the VPF in their critical role in the two cross-sectoral pilot programs outlined in the SRBJ draft design. This will include VPF involvement in the planning, implementation and monitoring of the pilot in Malekula, which seeks to improve access to justice for women; and the pilot in Blacksands, which seeks to develop and trial an integrated approach to youth in conflict with the law. The VAPP adviser will have input and co-ordinate as required.

A key piece of research will be commissioned to inform the community engagement approach of the VPF more broadly, and the implementation of the pilots more specifically. The research will examine the current, and possible future, interface between *kastom* and the work of the police, particularly in remote communities but also in urban and peri-urban settings. This research piece could also examine risk and resilience factors for ni-Vanuatu youth in peri-urban settings building on work conducted already by UNDP and therefore providing evidence for the Crime Prevention working group.¹²⁸ A practically focused component of the research would involve plotting a careful staged approach to the work in Blacksands in a similar vein to the document prepared by SRBJ for the Malekula pilot.

The VAPP will support the VPF to develop an integrated approach to, and strategy for, crime prevention. This will recognise the important role that is also played in crime prevention by the community and its leaders, and other government and non-government agencies. The strategy will recognise that communicating effectively with the community and the rest of government improves effective policing for everyone. It is likely to include continued VAPP support for community awareness raising (including on issues of family violence), targeted patrols, and regular patrolling. The patrolling of the *RVS Turoroa* can continue to be combined with planned remote operations, as well as carefully coordinated joint multi-agency patrols to remote communities. VAPP involvement in these patrols will enable them to meet and mentor rurally based VPF staff.

In the early stages of this investment the VAPP will support two key initiatives to provide a baseline of how effectively the VPF currently engages with the community, which can then be monitored through the life of the program. These initiatives are the Police station visits program and a Police–Community Perceptions survey. The police station visits program is a global program of the Altus Global Alliance,¹²⁹ which involves invited police stations visits conducted by trained members of the community using a checklist to assess and report on police performance. Obviously, use of such a system would need to be approved by the VPF executive prior to it being enacted.

128 UNDP, 2012, *Urban Youth in the Pacific: Increasing resilience and reducing risk for involvement in crime and violence*.

129 The 20-question tool was developed by Altus for assessing the extent to which a police station is designed to serve the public. The questionnaire is based on variety of international standards and agreements in the areas of human rights and police accountability, such as UN Declaration on the Elimination of All Forms of Racial Discrimination, UN Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, etc. The five core categories of the police station assessment are: Community Orientation, Physical Conditions, Equal Treatment of the Public Without Bias Based on Age, Gender, Ethnicity, Nationality, Minority Status, Age or Sexual Orientation, Transparency and Accountability, and Detention Conditions.

This is a 0.5 FTE position, which will be based at Southern Command. The position would suit the skill sets of a police officer that has demonstrated experience in general duties policing and working as part of a multi-agency response.

Indicative measures of this advisory input are:

- Minuted records of VPF attendance at working group;
- Development of a co-ordinated approach to Blacksands pilot initiative; and
- Development of a co-ordinated approach to Malekula pilot initiative

Investigations, systems and processes (intermediate outcomes 2.3, 3.1, 3.2, 3.3, 3.4, 3.5, 3.7 and contribution to 2.4 and 2.7)

The adviser responsible for advancement of systems and processes has a multifaceted role that centres on working with VPF members, in a very hands-on way, to improve practice and systems in the operational and investigative areas of the VPF. This will occur in Port Vila and more remote locations. Advisory support will provide operational policing advice on the planning, implementation and professional conduct of operations and investigations. This advisory work will also contribute to the more effective use of the operational fund.

The adviser will also work with VPF operational areas and officers to ensure effective and consistent use of existing case and data management processes. The work will require liaising with the NZ3P program to ensure alignment of their data quality, analysis and reporting training with emergent systems in the VPF. The adviser will also act as a contact point in the transition to a new Case and Data Management system for the VPF (described below).

Another pillar of addressing case flow across the justice sector will be participation of a VPF representative in the JCSSS working group on Case Reduction. Support for sharing information, and advancing the action plan of the group, will be provided by the adviser. The adviser will also work with the SRBJ CDM Adviser, SRBJ M&E team, and VPF in the development of a mechanism to track case management across the justice sector.

One of the key ways that this investment will address better case coordination is through a focus on improving the police to prosecutor interface. Recent SRBJ process mapping with the State Prosecutions Department (SPD) has indicated a number of opportunities to make the workings of the SPD more efficient, also identifying specific opportunities in the interface between the police and prosecutions.

The adviser working on investigations, systems and processes will need to work closely with the SPD Adviser and VPF to devise more effective linkages between VPF and SPD. Indicative examples could include development of a checklist of requirements before briefs are sent to the SPD, and the identification of a person responsible for checking and signing off on briefs before submission. Over time this should result in improved quality of briefs submitted, and a greater number of them being successfully prosecuted. Performance measures could include the proportion of briefs that are checked (should increase over time), the proportion of briefs proceeding to prosecution (should increase over time), and the proportion of briefs sent back to VPF for amendment (should initially increase, then decrease, as prosecution perception of police brief quality is currently such that briefs are abandoned rather than corrected). The adviser will also coordinate with the NZ Pacific Prosecutor Development Programme to ensure developments in prosecution are matched by appropriate changes in VPF investigations processes and procedures.

Working together with other stakeholders, the adviser will promote the implementation of the Family Protection Act by ensuring VPF members are familiar with the module to be developed on legal literacy and the function of the Act (SRBJ), mentoring VPF members on collection of evidence and appropriate approaches with victims, and bolstering the accuracy of evidence gathering by the FPU by helping to develop simple Bislama forms.

A New Case and Data Management System for VPF

In August 2013 the SRBJ Case and Data Management Advisor (CDM Adviser) completed the *Preliminary Diagnostic Assessment of Case and Data Management* (Annex 6) across the law and justice sector with the aim of providing a 'blueprint for future core business systems for each agency and longer term integration'. This included an assessment of the VPF, which was described in the previous section on context description.

The CDM Adviser has devised a roadmap that sees all agencies in the law and justice sector progress, over a period of two years, to having embedded and trusted case and data management systems.

While funding is sought across the sector for software purchase and system support, setting up the VPF to operate optimally will be a good first step in addressing system wide problems. The VPF forms the entry point to Vanuatu's criminal justice system and the flow on effects of poor quality information and analysis to the rest of the justice sector is significant.

An improved case and data management system would:

- Greatly assist workflow and operational tasks such as managing, tracking, and providing quality information on criminal incidents, investigations and resulting records;
- Support senior police with quality management and performance results;
- Provide the basis for future electronic services and electronic exchange with other agencies; and
- Provide greater confidence within the community that incidents and investigations are being managed by the VPF and their status is known.

For these reasons this investment also includes procurement and progressive roll out of a new integrated Case and Data Management (CDM) system for the VPF that will replace VICRIS and CRIMS, and for the first time provide a system for investigations. The CDM in the VPF will represent the 'first cab off the rank' in the larger plan to improve case and data management across the law and justice sector, with a much longer-term vision of connectivity between institutions. The recommendation of the CDM Adviser is that a Commercial Off the Shelf (COTS) product be purchased and supported for the VPF.

The resources that will be required for this rollout (in addition to services provided by the vendor team) are:

- CDM Adviser for two weeks per month (shared with oversight of general system improvement across law and justice sector – cost to be shared equally between

SRBJ and VAPP)¹³⁰ including preparation of tender specifications, advice on tender selection, ongoing assistance with ensuring data quality and reliability

- One full time VPF representative from each area of incident management, investigations, and criminal history department, as the system is configured/installed in that department;
- VAPP ICES adviser acting as a contact point and working with the SRBJ CDM Adviser, an IT Vendor and relevant VPF staff to plan for, and implement, the progressive roll out of the system and attendant training over a period of two years. One of the most important contributions of the adviser will be an ability to advise on what will and won't work from the perspective of a police organisation.
- The Office of the Government Chief Information Officer (OGCIO) would provide back room technical support.

A budget for the system has been built into program costs and an indicative schedule is included below:

Year 1, Month 1	Prepare Tender
Year 1, Month 2 and 3	Tender issued, tenders received
Year 1 Month 4 and 5	Selection of tenderer
Year 1 Month 6	Contracting
Year 1 Months 7–9	Set up design
Year 1 Months 10–12	Install in Incident, History, FPU and provide training
Year 2 Months 1–12	Install in remaining functional areas and provide training and oversight. ¹³¹

This 0.5 FTE adviser position with responsibility for investigations, systems, and processes will be based at Southern Command with anticipated travel beyond Port Vila.

Indicative measures of this advisory input are:

- Percentage change in files that proceed to prosecution;
- Vendor contracted for case and data management system; and
- Development of simple Bislama forms for the FPU.

¹³¹ Following the end of the program in December 2016 there would be a number of limited inputs required for ongoing functionality and sustainability of the system. These can be broken down into three parts, with costs noted in brackets: back-room technical support (free of charge and provided by OGCI although travel to outer islands may need to be supported); software licensing (approximately \$15,000 per year); business support e.g. how new people will be trained, supporting the officers with day to day problems (free of charge as expertise will rest with VPF officers who will have been trained in the use of the system).

VAPP delivery approach

In a shift away from previous programming configurations, a mixture of sworn police officers and civilian advisory support will deliver the VAPP component of PJSPV. The numbers of individuals involved in implementing this project is fewer than the 2009–12 iteration of VAPP, representing an efficiency dividend.

Advisers working in the police component will adopt a practical, active, hands-on approach to police development. In order to address the challenges in each component police advisers will adopt a problem solving approach. This means identifying concrete problems and progressively tackling them, bringing along each respective branch of the VPF according to their own capacity and speed. It also implies using a thematic approach, working with a set of counterparts, going beyond the police station and engaging proactively with the community-at-large, civil society organisations, and government agencies. This concept reflects the work of police officers in Australia, who engage with multiple individuals over the course of an average day. It will require the advisory cadre in the police component to work in close coordination with each other and with SRBJ advisers. It is important to note that there are good reasons for deploying police personnel to work with ni-Vanuatu policing counterparts. The Australian Government's Office of Development Effectiveness (ODE) has observed that a peer-to-peer bond between members of the policing fraternity is an important platform upon which to build productive relationships.¹³²

An important part of the delivery approach is the fund, which is broken down into percentage allocations. Through new arrangements for the fund the VPF achieves greater ownership by being able to set priorities for their organisation.

The sub-design team was conscious of concerns around sustainability in Vanuatu. One member of the VPF executive informed the team that there have been so many 'glossy police projects and yet we are forever needing advisers'. Noting first that there has been a reduction in advisers vis-à-vis previous programs, issues of sustainability are addressed through programmatic focus on building up the CSU to ensure that it fulfills its mandated functions. This proposed investment is, indeed, beyond the budgetary limits of the GoV and the investment should be thought of as *catalytic* in that it addresses a significant obstacle to greater VPF functionality, while demonstrating the benefits of greater accountability, efficiency, and the need for the GoV to adequately fund their police service. It also opens the possibility of greater use of government systems for management of development partner funding at some point in the future.

Locally Engaged Staff (LES)

The sub-design team was pleased to note that two out of the five members of the current VAPP cadre are locally engaged ni-Vanuatu, both of whom are playing an important role in program support.

The Vanuatu–Australia Partnership for Development – which is the foundational document for the aid program, asserts the need to build human and institutional capacity. Engaging local expertise is an increasingly prominent feature in the aid effectiveness architecture. It helps build up local capacity and means that the program can leave legacies. Empowered LES help advisers navigate

¹³² ODE Law and Justice review p 10. The ODE reports suggests that 'there are potential advantages to whole-of-government delivery: law and justice officials often respond better to advice from their peers'.

cultural, institutional and linguistic complexity. The efficiency dividend of engaging LES is also marked.

These two positions already within the program should continue, with slightly altered roles. One position will be responsible for assisting the PFM adviser at the CSU while the other will continue to work on the operational fund. The team believes that there is a need for an additional LES position dedicated to collecting the program's monitoring requirements. Further details of this position are outlined in a subsequent section on M&E.

Investment Description–SRBJ

The vision for the justice and community sector is set out in the JCSSS is *Jastis, sefti, digniti, rispek mo gud fasin blong evriwan*¹³³ and is supported by the VPF vision of 'working together for a safe and secure Vanuatu. The work of SRBJ will, over the next two and a half years, contribute to these high level goals in modest but significant ways.

Objective

Australian support to the justice and community services sector will contribute to the mission of the sector, *for all justice services to promote justice and provide fair and equitable services to meet the needs of the community, the rule of law and protection of human rights.*¹³⁴

SRBJ is designed to contribute to the vision and mission of the sector through the continued framework of the three highly integrated and mutually reinforcing Components used during Stage One of the program.

However, the focus of those Components will be deepened and narrowed in a way that:

- Builds on the engagement and relationships developed in Stage One of SRBJ;
- Strengthens collaboration with the police, in particular through working closely with the VAPP component of the PJSPV;
- Strengthens collaboration with the judiciary;
- Builds on the JCSSS and Ministry Corporate Plan that identify the key priorities of the sector;
- Recognises the strengths and challenges within the sector;¹³⁵
- Builds on the foundational work and analyses carried out by SRBJ in support of the MJCS in Stage One;¹³⁶
- Builds on two specific case studies undertaken by SRBJ to investigate more closely the pathways to action for women experiencing family violence in Malekula¹³⁷ and access to justice for urban

133 This means Justice, safety, dignity, respect and a good way for everyone.

134 This is articulated in the Justice & Community Services Sector Strategy as endorsed by the Council of Ministers, May 2013. It was the intension of the sector¹³⁴ that the mission be articulated sufficiently broadly so as to include the goals of the Department of Women's Affairs (including the Child, Disability, Aged and Churches responsibilities of that Department) and the service providers that contribute to the implementation of activities and service delivery on behalf of the government in this area (broadly defined as the community services aspect of the MJCS mandate).

135 This was identified through capacity assessments, cross sectoral planning, agency planning, implementation of grant related activities and broad consultations over the breadth of the purview of the Stretem Rod Blong Jastis Partnership Stage One.

136 This included capacity assessments at individual, institutional and sectoral level; and the Preliminary Diagnostic Assessment on Case and Data Management.

youth in conflict with the law¹³⁸ and possible targeted interventions that the program could make in these thematic areas; and

- Builds on a number of child protection initiatives over Stage One of SRBJ, some of which were supported by SRBJ and some of them supported by others. It is likely that this future work will provide more support to the Government of Vanuatu (GoV) in child protection as well as allowing some flexibility to use an array of service providers and modalities to support change.¹³⁹

The implementation of the three components

The three components and their EOPOs have been described above. The intermediate outcomes for both SRBJ and VAPP are outlined in Annex 12. SRBJ indicative activities against intermediate outcomes and EOPOs are captured in Annex 13. The equivalent, and complementary, activities for VAPP are captured in Annex 14. This section describes the SRBJ component of PJSPV in more detail.

COMPONENT 1: SUPPORT FOR MULTILEVEL SECTORAL COORDINATION, COLLABORATION AND COMMUNICATION

1 Networks within the VPF, justice and community services agencies influence positive change (VAPP & SRBJ)

Intermediate outcomes under Component 1 for SRBJ that are intended to contribute to the end-of-program outcomes above are:

Intermediate outcome 1.1: VPF, MJCS, the Judiciary, PSO, PPO, VLC, SLO, DCS, and DWA are collaborating and sharing information more effectively to progress shared goals.

The working groups established under each of the eight strategies commenced work in September 2013. The working groups are the primary mechanism for implementing the activities under each of the eight sector strategies. Implementation of the activities that will be identified under each of the eight sector strategies will be evidence of the sector collaborating more effectively to progress shared goals. The working groups comprise not only members from agencies under the auspices of the MJCS but also from the Ministry of Internal Affairs, PMO (including the VPF and the SLO) as well as Ministries of Education and Health; the Malvatumauri National Council of Chiefs and youth representatives. The Director-General has invited and received participation from the VPF and from the Judiciary in the working groups. The VPF Commissioner indicated a willingness to nominate participants for the working groups and the Chief Justice indicated willingness for future collaboration between the Judiciary and the MJCS for the purposes of cross sectoral initiatives as well as participation of members of the judiciary in the working groups.

The program is providing support to the working groups in a number of integrated but low resource intensive ways, together with the MJCS.¹⁴⁰ The aim of this support is to strengthen the

137 Annex 8

138 Annex 9

139 This will draw on the evaluation of the YEPP tool (Executive Summary at Annex 10)

140 Annex 5 provides the outline of available support to the working groups being provided by SRBJ and MJCS staff.

individual and group capacities of the cross–sectoral groupings to commence and complete the tasks that they have set themselves in a sustainable way and in a way that becomes increasingly less dependent on the drive of one individual but on the drive of the collective. SRBJ will also focus support on strengthening the capacity of the MJCS to provide corporate services to the sector (for example, strategic financial management, human resource management and strategic planning) and support to the working groups (e.g. secretariat, facilitation, action planning support). This support will be provided in an incremental way, which demonstrates mutual progressive support for shared outcomes. All of the strategies will require consultation with the VPF for the development of activities and participation on the relevant working group has been invited by the Director–General for working groups on victim support; delays in progress of cases; and crime and impacts of crime. Accordingly police will benefit from the capacity and secretariat support being provided to working groups.

SRBJ will provide support for four locally engaged, long term MJCS positions. These positions have been negotiated with the MJCS on the basis that it is the GoV's intention to absorb those positions into its establishment over the two and a half years of Stage Two of SRBJ. While there is no guarantee that the GoV will do this and there is precedent for it not honouring such commitments, these positions were considered by the MJCS to be the bare minimum required to drive and support the work of the working groups and respond to the raised expectations of and appetite for corporate services by agencies within the sector. Expectations have been raised by the proactive support of the sector by the SRBJ team during Stage One. This will increasingly be met by SRBJ supported MJCS staff and existing MJCS staff in this transitional period. In addition, those positions supported by the program will have the opportunity of working for the longest time available alongside the SRBJ advisers (CD&L Adviser, MES, PFM Adviser, Partnership Coordinator and others). The provision of those four positions to the MJCS will be incremental, prioritised and subject to some conditionality which is indicative of GoV commitment to the strengthening of the MJCS. It is the ambition of SRBJ over Stage Two of the program to identify an appropriate ni–Vanuatu Partnership Coordinator, capable of taking over the strategic management of the program over the remaining two and a half years. If a potential incumbent were identified through an agreed process then the international Partnership Coordinator would develop an appropriate strategy of support, mentoring and capacity development for that person reflective of the capacity level until the end of the program.

Indicative outputs contributing to **Intermediate Outcome 1.1** include:

- Providing supportive and facilitative assistance to the working groups
- Support for the development of appropriate terms of reference, mechanisms and processes for cross–sectoral groups, as needed (for example for working groups and the Task Force)
- Secretariat support to the cross sector groups (HOAG, Task Force, Working Groups)
- Capacity development to MJCS staff to provide improved secretariat support to cross sector groups
- Access to information and comparative information to support the working groups.
- Targeted capacity development support for the Facilitators of the working groups and to the Task Force members who will use the implementation of cross sectoral strategies as the work based project for the application of leadership skills that can be supported by

the Capacity Development and Leadership Adviser in a contextualised and hands on ways (see Component 2)

- Pathways for Leadership Program support to Facilitators and others (see Component 2)
- Support for the MJCS to be able to provide corporate and secretariat services to the working groups
- Support strengthened collaboration with the Judiciary¹⁴¹ and VPF¹⁴²
- Continued provision of a grant facility (available quarterly, for activities that support the eight sector strategies or are identified within the agencies' strategic plans [including capacity development activities that enable those identified outcomes and have a sufficiently robust methodology]). SRBJ will advertise the facility, its conditions and availability more broadly through the communications strategy and Partnership communications.

Indicators applicable to monitoring progress towards Intermediate Outcome 1.1 are:

- That the HOAG and Task Force continue to meet to collaborate on shared goals; and
- That Sector strategies are progressed according to agreed timeframes.

Intermediate Outcome 1.2: the VPF, MJCS, the Judiciary, PSO, PPO, VLC, SLO, DCS, DWA are monitoring their progress (linked to End of Program Outcome 2.3)

Indicative outputs contributing to **Component 1, Intermediate Outcome 1.2** include:

- Supporting the MJCS and the VPF to implement an agreed approach for the establishment of a cross-sector baseline at the beginning of the PJSPV for the policing, justice and community services sector to support the measurement of progress of the sector, in partnership with other programs where possible
- Strengthening of an M&E framework for the sector including the progress of the Sector Strategies identified in the JCSSS
- Strengthening monitoring at the agency level within the sector by supporting improvements in the collection of useful and consistent data
- Building capacity within the MJCS (through the Monitoring Officer (Justice and Community Services, whose position it is hoped will be absorbed by the MJCS over the two and a half year period, with support of the M&E Specialist) for M&E
- Strengthening the capacity of the agencies within the sector for M&E
- Support for incremental progress towards an integrated case and data management system building on the advice of the Case & Data Management Adviser, which will strengthen the capability for data collection and analysis.

Indicators applicable to monitoring progress towards Intermediate Outcome 2 are:

141 Including through the support of the Federal Court of Australia and Supreme Court MOU .

142 This will occur through support, oversight and evaluation for all capacity development within the VPF.

- That agencies provide high quality reports regularly to the HOAG and as required to PMO M&E Unit on implementation of priorities and services, and corrective steps taken to address problems.

Intermediate Outcome 1.3: The VPF, MJCS, the Judiciary, PSO, PPO, VLC, SLO, DCS, DWA communicate more effectively and consistently with the community and the rest of the government.

The impact of seeking to implement cross-sectoral strategies (and in the case of the human rights strategy – cross government) will in itself require that information be shared between agencies of the sector in a way that has not occurred in any systematic way to date.

Indicative outputs contributing to **Component 1, Intermediate Outcome 1.3** include:

- Increased support for communications once the Ministry Corporate Plan and Sector Strategy activities have been developed.
- Support for the development of a sector wide communications strategy (this is included in the terms of reference of the Monitoring Officer (Justice and Community Services)) covering communications between agencies within the (public) sector; communications with non-government service providers and stakeholders within the sector; communications with the rest of government; and communications with users of the services and the community. Aspects of the strategy will be able to be piloted and refined with respect to target audience under Component 3 outputs.
- Support for sector wide, appropriate, contextualised and targeted legal literacy programs using a variety of modalities and pitched appropriately for the relevant target audiences (as part of the communications strategy).¹⁴³
- Support for updating and maintenance of the current MJCS webpage on the GoV website in coordination with the OGCI as part of the communications strategy.
- Support for the sharing of the positive news as well as the negative and assist in supporting greater legal literacy and awareness within the community (and therefore demand).

Indicators applicable to monitoring progress towards Intermediate Outcome 1.3 are:

- That a MJCS communications strategy is developed and implemented; and
- That a tool is developed to assess reach and effectiveness of outreach activities.

Intermediate outcome 1.4: MJCS coordinates with donors more effectively

Indicative outputs contributing to **Component 1, Intermediate Outcome 1.4** include:

¹⁴³ This will occur as part of the communications strategy referred to above under intermediate outcome 1.2 of Component 1.

- Once the activities for the next two and a half years are shaped by the Working Groups during 2013–2014, the MJCS, with support of SRBJ, will launch the JCSSS and Ministry Corporate Plan with the donor community.
- Thereafter, the former and current Director-General has indicated an intention to meet with donors twice or more times a year, which will be supported by SRBJ.
- Over time it is proposed that the MJCS webpage, supported by the GoV and the OGCI, be used as a possible means by which donors could provide self-reporting on the progress of their initiatives to assist in harmonising with other donors and programs operating in the sector and to support the MJCS's role in donor coordination.¹⁴⁴ This would alleviate some of the burden on resource poor units for donor coordination (for example the Child Desk and the DWA).

Indicators applicable to monitoring progress towards Intermediate Outcome 1.4 are:

- That a coordinated donor strategy is designed and implemented;
- The number of annual proposals to donor agencies at required standard;
- The level of donor funding to the sector; and
- Timely reporting to donors at required standard.

Intermediate Outcome 1.5: VPF and MJCS are better able to manage their finances (the same as VAPP Activity Logframe Intermediate Outcome 2.3)

Indicative outputs contributing to **Component 1, Intermediate Outcome 1.5** include:

- Support for the recommendations of the PFM Assessment carried out by AAP for the policing, law and justice sector, to strengthen PGS and processes.
- Incremental increase in the use of partner financial systems by SRBJ, as appropriate, during Stage Two based on the achievement of agreed milestones.
- Improvement in financial management capacity of the MJCS and the agencies.
- Improvement in the cogency and strength of the (public) sector's budget narratives.

Indicators applicable to monitoring progress towards Intermediate Outcome 1.5 are:

- Increasing use of PGS for donor funds with less separate ISP program funding.

Intermediate outcome 1.6: The VPF, the Judiciary, PSO, PPO, and SLO make coordinated reductions in delay within the formal justice system (the same as VAPP Activity Logframe Intermediate Outcome 1.4)

¹⁴⁴ This may be of significant benefit to actors within the sector that receive interest from a number of donors or programs but have insufficient time or resources to deal well with donor coordination such as the Department of Women's Affairs.

For some time justice has been denied to citizens because of delays in the system. Longstanding problems relate to the inefficiencies in many aspects of the justice system as its components interface with each other. One of the major sector strategies under the JCSSS is designed to address these problems to reduce delay, increase the transparency of case progression and build community confidence in the timely resolution of their cases.

SRBJ has identified this strategy as one which it will support directly as part of Component 1 because it builds directly on the work of the CDM Adviser, the M&E Specialist and Monitoring Officer during Stage One, and the strategy has the capacity to provide early and widespread benefits to the sector. It is hoped that this will encourage further collaboration and maintain the momentum for cross sector work by leaders within the sector. This is expected to strengthening case and data management systems for the sector, reduce delay, and support the capacity to monitor progress of initiatives as well as cases.

Indicative outputs contributing to **Component 1, Intermediate Outcome 1.6** include:

- Support for the conduct of a diagnostic study into the immediate and systemic causes of delay across the justice system that will indicate the location, cause and size of delays with recommendations for possible action.
- Support for the development of a multi-year action plan for the targeting of delay.
- Support for some strategic activities within the action plan.
- Funding support for the implementation of the Federal Court of Australia and Supreme Court of Vanuatu's MOU (as amended), the key focus of which is case management.
- Provision of support for a first phase of the business case developed by the CDM Adviser to support the capacity of the sector's systems and technology.

Indicators applicable to monitoring progress towards Intermediate Outcome 5 are:

- Establishment of a Court users group that meets regularly.
- That the baseline informs development of backlog reduction strategy across agencies.
- Reduction in delay.

Intermediate outcome 1.7: VLC develops appropriate contextualised policy advice to underpin legislative reform..

The VLC provides the appropriate vehicle through which all policy development related to legislative amendment should be channelled, to ensure that there is sufficient consultation and review to enhance the consistency and appropriateness of Vanuatu's body of legislation. This process will be strengthened where technical assistance often provided to line agencies also works closely to support the work of the legal researchers of the VLC and the legal drafters of the SLO. As was the case with the public health legislative review, the work of the VLC has the capacity to bring together the work of two AAP (or other donor funded) programs.

Indicative outputs contributing to **Component 1, Intermediate Outcome 1.7** include:

- Continued salary support and operational support for the VLC with incremental increased support by GoV.

Indicators applicable to monitoring progress towards Intermediate Outcome 1.7 are:

- Line agencies report satisfaction with VLC reports produced for their portfolio.
- VLC recommendations adopted by SLO and legislated by Parliament.
- Number of references completed in Stage Two.

COMPONENT 2: CAPACITY AND ORGANISATIONAL DEVELOPMENT

The end-of-program outcomes that contribute to the goal and purpose of SRBJ (and the vision and mission of the sector) are:

Component 2, end-of-program outcome 2:

2 The VPF and justice and community services agencies demonstrate improved service delivery to women, children and youth.

The key activities and outputs and the intermediate outcomes are best represented in the Figure 2 of the Capacity Development Strategy (Annex 4) as it captures the integrated nature of the outputs and their internal interdependence. For example, the Leadership Development Pathways Program is linked with the delivery of agency specific projects and therefore the improved agency capacity for efficiency and service.

Intermediate outcome 2.1: PSO, PPO, VLC, SLO develop and implement effective workforce planning and HR development strategy (Links to VAPP EOPO 2.2)

Indicative outputs contributing to **intermediate outcomes for levels 1 and 2** within the capacity development are:

- Capacity development interventions based on job related skills and capabilities (arising from evidence gathered through individual capacity assessments, capacity development planning workshops and agency business plans). For lawyers, for example, this may be a mixture of interventions such as attendance at externally provided opportunities (Continuing Legal Education (CLE) through the Vanuatu Law Society, Pacific Islands Law Officers' Network (PILON) seminars) which are integrated with follow on in-house support; within sector capacity development opportunities to share skills, for example, judiciary supporting the provision of advocacy skills development; participation in the Leadership Development Pathways etc.).
- Continuation of the LSIP that facilitates and supports placements of student within law offices commenced under Stage One. This supports the capacity of law offices to attract lawyers and provides work-based skills and experience to students.
- Workplace learning facilitation (coaching, mentoring, action learning, workplace instruction etc.) SRBJ is exploring this being through collaboration with the Institute of Public Administration and Management in the Solomon Islands.
- Professional technical capacity development (for example, targeted at lawyers, finance officers and human resource managers). SRBJ is exploring this being through

collaboration with the Institute of Public Administration and Management in the Solomon Islands.

- Workplace learning facilitation (coaching, mentoring, action learning, workplace instruction etc.).
- Support and capacity development for the MJCS.
- Specific agency projects (demonstrated by improved efficiency and service) which is supported by long term advisers in addition to the Capacity Development Adviser within SPD, PSO and potentially PPO.

Indicators applicable to monitoring progress towards Intermediate Outcome 2.1 are:

- Number of workforce planning development strategies developed.
- Intention of lawyers to remain within the public sector.
- Staff groups report increased levels of skill in job related capacity.
- Staff reports that development opportunities support career progression.
- Institutional capacity in key priority areas.
- Service delivery levels.

Intermediate outcome 2.2: VPF, PSO, PPO, VLC, and SLO demonstrate collaborative effort (visible through full/partial implementation of key strategies)(the same as VAPP Activity Logframe Intermediate Outcome 2.5)

Indicators applicable to monitoring progress towards Intermediate Outcome 2.2 are:

- The number of sector strategies implemented through collaborative effort, and their results.

Intermediate outcome 2.3: HOAG, TF and working Groups continue to meet and provide governance for the JCSSS implementation. (the same as VAPP Activity Logframe Intermediate Outcome 2.6)

Indicative outputs contributing to intermediate outcomes for levels 4 & 5 of the capacity development framework are:

- Capacity development for whole system change implementation.
- Leadership Development Pathways Program.
- Capacity development related to the preparation and implementation of the knowledge, attitudes, and practices survey (or other baseline gathering tools, as appropriate).
- Ministry support and capacity development.
- Key JCSSS strategies implemented informed by thematic projects and pilots (including legal literacy for target groups, strengthening of referral links to the formal justice system).

The indicative content of the proposed capacity development outputs is articulated in the Capacity Development Strategy (Annex 4).

Indicators applicable to monitoring progress towards Intermediate Outcome 2.3 are:

- HOAG and Task Force meet regularly and discuss and action JCSSS implementation matters.

COMPONENT 3: PROTECTING CHILDREN & JUSTICE PATHWAYS FOR WOMEN & YOUTH

The **end-of-program outcome for Component 3:**

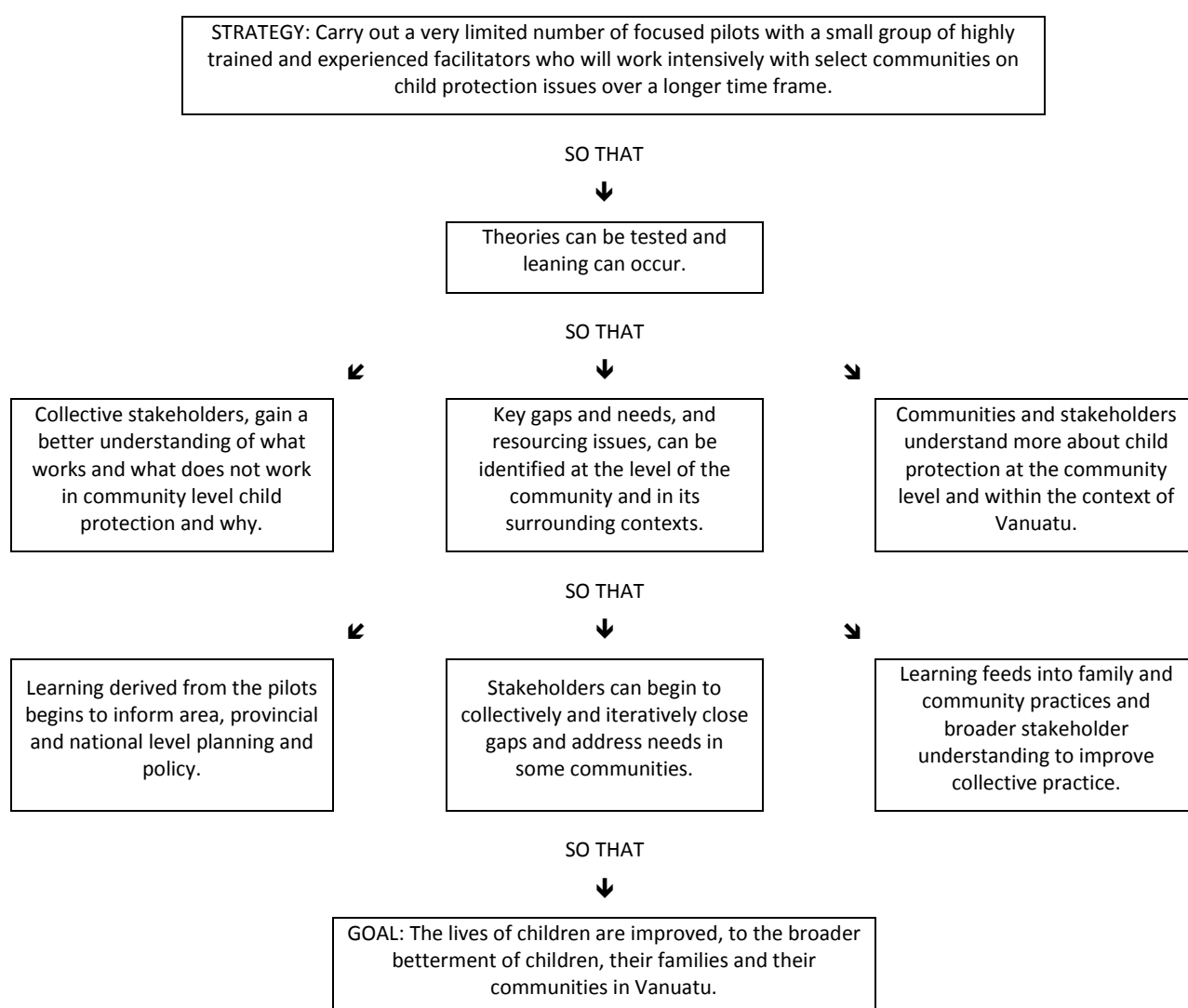
Component 3, end-of-program outcome 3:

3.1 The VPF and justice and community services agencies use evidence to support improved responses to the needs of women, children, and youth.

3.2 The VPF and justice and community services agencies implement targeted initiatives that deliver better services to women, children and youth.

CHILD PROTECTION

The simple theory of change that underpins the SCA Child Protection Program proposal supported during Stage One can be represented as follows:



This theory identifies a number of entry points at which SRBJ can provide support that remain pertinent for Stage Two of the program.

Component 3 End of Program Outcomes for the multifaceted support

3.1.1: Child Desk Officer and Child Protection Officer start to use learning derived from the pilots to inform their national level planning.

3.1.2: Pilot communities have an appropriate response mechanism with respect to a child protection need that could not be addressed prior to the pilot.

3.1.3: Pilot communities collective practice with respect to the protection of children has improved since the commencement of the pilot.

3.1.4: Police and the judiciary respond more effectively to child protection cases.

Building on a number of child protection initiatives over Stage One of the program, some of them supported by SRBJ and some of them supported by others, Stage Two will strengthen and deepen its work in this area at a number of levels and through differing modalities and working at differing entry points.

Intermediate outcome 3.1.1: The Child Desk Officer and the Child Protection Officer demonstrate a better understanding of effective interventions to promote child protection in communities.

Support for the Child Desk Officer and MJCS

Background: The Child Desk Officer who has oversight of child rights on behalf of the GoV was re-located from the DWA to the MJCS in the first quarter of 2014. As a result, the Child Desk Officer, is intended to be more closely supervised by the DG, MJCS and to be part of the Human Rights Unit which is a unit of the proposed structure for the MJCS. The Human Rights Unit is intended to support the implementation of obligations under International Conventions that fall within the auspices of MJCS. The proposed structure for the MJCS is currently with the PSC for consideration and approval. The Child Desk Officer at present is physically at the MJCS while her budget is still within that of the DWA, which causes duplicate lines of reporting. It is understood that from the commencement of 2015 the Child Desk Officer budget will re-allocated to MJCS.

During Stage One the Child Desk Officer received support both from UNICEF and SCA. SRBJ provided little direct operational support to the Child Desk Officer outside of planning and capacity development opportunities taking into consideration her workload and capacity for greater engagement with development partners.

Towards the end of Stage One, the Child Desk Officer made a grant application for a range of assistance two aspects of which SRBJ has agreed to support prior to the end of Stage One or into the initial phase of Stage Two through the grant facility being:

- Support for the design of a national child protection strategy or policy, which would provide guidance to all those organisations and agencies, government and non-government, working within this field in terms of the GoV approach and priorities.
- Support for the design of the (UNICEF funded)¹⁴⁵ GoV child protection pilots in Tanna and Erromango.

The national child protection policy would be developed through a highly consultative, participatory process that would seek to engage with all key stakeholders whilst providing an impetus for reinvigoration of some of the more dormant

145 It is understood that UNICEF will not continue to fund these pilots pursuant to its Draft 2014 Annual Plan.

national mechanisms (such as the Child Protection Working Group (CPWG) and the National Advisory Committee on Children (NACC)). It would assist in providing guidance where there has to date been little provided by the GoV.¹⁴⁶

The community pilots in Tanna and Erromango commenced upon the recruitment of two officers funded by UNICEF and are suffering from a lack of clear objectives or any design document.¹⁴⁷

Originally it had been intended that the SCA child protection pilots and the UNICEF-funded GoV pilots would be complementary in focus; the former focusing on appropriate safety plans developed by communities building on community-based resources; and the later focussing on the mapping of available service providers and development of a referral system to which the communities could ultimately link. As a result of delays in funding; removal of one officer; and lack of design together with a hiatus in the meetings of the Child Protection Working Group there was a lack of complementarity or coordination between the two sets of child protection pilots.

This design work provides an opportunity to assist the GoV to build on past challenges and develop an appropriately targeted pilot that might work more closely and collaboratively with other initiatives in child protection.

Indicative outputs contributing to intermediate outcome 3.1.1 are:

- The Child Desk Officer has very recently requested the funding of a Child Protection Officer from SRBJ. This position could have significant impact on strengthening the national engagement in this area and after further consultation with relevant stakeholders would be considered by SRBJ as part of the suite of support for child protection.
- SRBJ would provide support for the greater use of the national mechanisms for child protection and the development of the national policy together with a monitoring framework for the implementation of that policy that would provide the basis for greater activity in this area at the national level.
- The Child Desk Officer and Child Protection Officer, if recruited, would be supported by the relevant cross functional capacity development initiatives set out in the Sector Capacity Development Strategy with the intention of building capacity to coordinate and collaborate with stakeholders and service providers; and to monitor and guide the work of others at the national level.
- SRBJ would ensure strong communication and reporting links between the Child Desk Officer and Child Protection Officer and the piloting results so that any learning or lead indicators of effective intervention are shared with GoV representatives.
- Technical support to the four relevant sector strategies identified as priorities by the GoV under the JCSSS namely; Juvenile Justice; Victim Support; Human Rights; and Crime and Impacts of Crime.

146 This results from a lack of capacity given the human resources available and the broader child rights obligations of the Child Desk Officer.

147 This was found by the Monitoring Officer on her March monitoring trip with the Child Desk Officer to Tanna.

Community based child protection

Building on the learning over Stage One, SRBJ will continue to support the piloting of an effective approach to strengthen the communities capacity to protect children.

Intermediate outcome 3.1.2: identified community leaders in the pilot communities identify key gaps and needs with respect to the protection of children in their communities.

Background: During the first six months of 2014, an independent adviser was recruited to provide (1) an independent evaluation of the SCA YEPP tool and the YEPP community engagement work; and (2) a strengths based pre–design mapping and review. The first evaluation of the YEPP community engagement work identified significant weaknesses and flaws in the work, which has resulted in it being halted until the end of Stage One. The Executive Summary of this Evaluation is at Annex 10. The pre–design mapping and review will not be completed until the end of June 2014 being the end of Stage One.

The detail of the SCA Child Protection Program design to end of 2016 will not be available until the first quarter of Stage Two. SRBJ has the option to fund all, part or none of that but also to work with other service providers such as World Vision.

Opportunity for linking child protection work with the proposed pilot in Malekula will also be investigated further by SRBJ during Stage Two.

Indicative outputs contributing to **intermediate outcome 3.1.2 and 3** are support for:

- Careful, appropriate, small scale well designed piloting that builds on the findings of the SCA YEPP evaluation and the monitoring of the GoV (UNICEF funded) pilots, including has clear objectives, an achievable monitoring framework; is well linked to national level dialogue; is contextualised building on strengths within culture; is based on rights and above all does protect and does no harm.
- Working with communities to develop approaches to strengthen their capacity to provide protective environments to children.

Capacity development of key stakeholders

Intermediate outcome 3.1.4: (a) Communities are appropriately referring child protection matters to police and (b) police are responding to child protection matters in accordance with the law.

Indicative output contributing to intermediate outcome 3.1.4 (a) and (b) is:

- Appropriate, evidence based, tailored and prioritised child protection capacity development with key stakeholders such as police, formal justice sector actors, churches, Chiefs, schools, Areas Secretaries, provincial representatives, health workers and representatives at a multilevel approach.

PATHWAYS TO ACTION FOR WOMEN EXPERIENCING FAMILY VIOLENCE: AN INTEGRATED PILOT

Stage Two of SRBJ will conduct a pilot of integrated, contextualised support that strengthens women's pathways to action when experiencing family violence in Malekula. The pilot builds on the findings of a case study conducted by SRBJ in March and April 2013 and in particular builds on the strengths and assets currently found in Malekula, recognising the magnitude and pervasiveness

of family based violence in Malekula.¹⁴⁸ The pilot is proposed for Lakatoro and two to three appropriately identified villages, working in collaboration with a number of key players to strengthen the framework of protection, prevention and action for women. The integrated approach builds on the increasing international literature in the area of interventions against gender based violence which shows that, *'women's experience of partner violence is embedded in her family situation, her community and the wider social context'*¹⁴⁹ such that *'[M]ultisectoral solutions are required, as isolated interventions are largely ineffective'*.¹⁵⁰ SRBJ has developed a draft staged approach for implementation of the pilot. This together with a concept note will form the basis of consultations with key stakeholders in the pilot.

Intermediate outcome 3.2.1: the network of service providers supporting women experiencing family violence is extended and strengthened (the same as VAPP Activity Logframe Intermediate Outcome 3.3).

Indicative outputs contributing to intermediate outcome 3.2.1:

- **A Malekula family protection task force** to oversee the work on improving women's access to justice in situations family violence has been established¹⁵¹. It has been largely inactive since its establishment. This task force would be supported as appropriate.
- Under the leadership and guidance of VWC, **provide support for the strengthening and extending of the Committees Against Violence Against Women (CAVAW) network in Malekula**, based on an assessment of the current six or seven CAVAWs.
- Under the leadership and guidance of VWC, **develop a plan to strengthen these CAVAWs** (which may include supplementing their budgets as a first step), as well as a phased plan to create new CAVAWs and extend the reach of the network to other communities¹⁵². The pilot would strengthen their links with formal justice sector agencies and other government and non-government service providers and advocates.
- **Engage with and build on actors and networks** outside the formal justice sector.¹⁵³
- **Strengthen existing resources** – SRBJ would look at the possibility of providing simple but needed resources that would offer immediate benefits for relatively small investment, which include: working with VPF to support the allocation of a second, female Family Protection Unit (FPU) Officer; providing a dedicated vehicle with ongoing fuel budget for use by the FPU (but

148 For greater detail see the Executive Summary for the Case Study attached at Annex 8.

149 Oxfam, 2012, Ending Violence Against Women: An Oxfam Guide , p.13.

150 AusAID, 2008. Violence Against Women in Melanesia and East Timor: Building on Global and Regional Promising Approaches, p. VIII.

151 This would be similar to the ones set up in Sanma, Shefa and Tafea provinces (although they have been largely inactive over the past few years). The Department of Women's Affairs has set up such a Task Force in Malampa Province .

152 Australian Aid has recently carried out a review of the CAVAWs and the Male Advocates Program and may have recommendations that relate to the Malekula CAVAWs as well.

153 This could occur through, for example, existing networks such as the Malampa Council of Women, church women's groups, and the Vanuatu Cultural Centre's Women's Fieldworkers Program.

owned by the VWC); providing a printer with supplies for FPU; supplementing the budget for CAVAWs on Malekula to support their outreach work and allow them to more actively provide victim support services (but only with VWC support for the approach); and supplementing existing outreach activities in the formal sector on Malekula including police patrols, outreach and court tours.

- **Supporting the establishment of key assets** – both the Male Advocates Program and a Malampa Women’s Counselling Centre are in the plans and the budget of the VWC for 2014. SRBJ support VWC to accelerate and or strengthen the establishment of these assets towards the end of 2013.
- **Consideration of a ‘one-stop-shop’** for women as a more innovative approach to service delivery for women, which could be housed in the counselling centre and would reduce women’s vulnerability in accessing all of these different services on their own, and would locate the services in a more neutral and accessible location. VWC has made progress towards this and SRBJ would provide support for this where possible.

Indicators applicable to monitoring progress towards Intermediate Outcome 3.2.1 are:

- Formalisation and functioning of the Family Protection Task Force.
- Number of complaints to police and responses to complaints.

Intermediate outcome 3.2.2: Key justice sector agencies (VPF, judiciary, PSO, PPO, and SPD) are responding more effectively and consistently to women experiencing family violence (the same as VAPP Activity Logframe Intermediate Outcome 3.4).

There are already significant resources available on Malekula in the formal justice sector, including an Island Court, Island Court Justices and an Island Court Clerk, a Magistrate’s Court with a resident Magistrate and a Magistrate’s Court Clerk, a Public Solicitor, a State Prosecutor and police services including a Family Protection Unit Officer. While strengthening and addressing gaps in this sector is an important and necessary part of any response, growing evidence also cautions against placing too much emphasis on this sector on its own. Qualitative evaluations have illustrated that most systems mirror and reinforce the same victim-blaming biases prevailing in societies at large. Malekula is a relatively small context, and there are several key adjustments within the justice sector that could make a considerable difference to women’s access to justice in situations of family violence. Selecting appropriate strategies requires substantial inputs from women in Malekula and from other stakeholders to strengthen knowledge, attitudes and practice in response to family violence.

Indicative outputs contributing to intermediate outcome 3.2.2:

- **SRBJ will provide an integrated package of capacity development** targeted at improving knowledge, attitudes and practices of frontline formal justice sector actors, taking into account the role that they play in a remote small community environment. This will be targeted at the State Prosecutor, the Public Solicitor and the Magistrate. Support personnel, including the two Court Clerks and the Administrator in the Public Solicitor’s office, will also be given support to strengthen their capacity in this area, as they are already using

discretionary powers in advising women and diverting them to other services. There is also a need for capacity development for the substantial numbers of police on Malekula (approximately 19), including those in any in outlying police posts to ensure a consistent and appropriate approach to handling matters of family violence. The approach for this capacity development will be aligned with that of all capacity development under Component 2 so that it is grounded, contextualised, applied and evaluated; refined and continuing. Research supports the fact that training is more effective when it has the engagement and active support of officers at the senior levels of the force, and that it is best to have police involved in training other police, in collaboration with NGOs.¹⁵⁴ While ignorance is only one of many barriers, there is a lack of clarity about the nature of and manner in which legal remedy can be sought and exercised by the formal sector actors and others.

- **Collaboration and cultivation of innovative approaches** – greater collaboration and better, clearer and more consistent referral networks with stakeholders outside of justice, including health and education would greatly advance the protection, prevention and response framework available to women. While some of this is already happening to a certain extent on Malekula, particularly in terms of the collaboration between the core team of individuals who already work in this area, this could be significantly clarified, strengthened and expanded. Greater collaboration would help to ensure that responses at all levels of the formal justice sector are ‘backed up’ in other places, and that approaches are more consistent. This could be facilitated through the development of procedures, through a Task Force and/or through the creation of more integrated units like the ‘one stop shop’ described above. SRBJ will explore implementing a set of approved approaches or best practices that will be shared among practitioners, so that effective innovations like these can be used in a more consistent manner.
- **Support to more effective data collection with respect to women experiencing family violence** – better data collection will clarify the numbers of women accessing services along the spectrum of possible support and the results of their seeking action. Each agency (particularly within the formal sector) will be supported to strengthen the statistics that are being kept about the numbers of women who attended the agency for assistance as a result of family violence, what service was provided and where they were referred. This will build on the work of the CDMA and the information that is already routinely gathered by VWC and extend to other agencies as well.

Indicators applicable to monitoring progress towards Intermediate Outcome 3.2.2 are:

- Median time for conduct of family violence cases.
- Percentage of successful prosecution of family violence cases.
- Women and service providers’ satisfaction with justice sector processes.

154 Heise, Lori L. 2011. What Works to Prevent Partner Violence: And evidence overview, p. 76.

Intermediate outcome 3.2.3: The VPF, Judiciary, DWA, SPD, FPU, VPF, PSO and PPO are implementing and enforcing the Family Protection Act and other legal mechanisms designed to protect women/prevent family violence in the pilot communities (the same as VAPP Activity Logframe Intermediate Outcome 3.5).

Indicative outputs contributing to intermediate outcome 3.2.3:

- **Support for greater legal literacy/awareness** within the community as part of its support for the sector wide, appropriate, contextualised and targeted legal literacy programs.
- **Strengthen the accuracy of evidence gathering** – support the development of simple Bislama forms, with appropriately worded questions, so that women could complete their own statements, in their own communities, before bringing/sending them to Lakatoro to be processed. This is based on the fact that the results of the use of the current forms result in the facts being presented as the same in each case. These could be distributed through police posts, women's groups, and other community level services and would allow women to complete their statements in their own words, and would also provide a more realistic and accurate picture of their situation. There may be other innovative ways of doing this, and possibly even techniques that could be used with women who are illiterate.
- **Strengthening the use of community paralegals** – support for the identification and assessment of the current status and availability of any trained paralegals on Malekula (previously trained through the Regional Rights Resource Team (RRRT) program). SRBJ will identify an additional group of community members who would be interested and suitable to undertake paralegal training, which could be done with the assistance of other networks such as the Malampa Council of Women, Vanwoods, TVET and perhaps Just Play. The goal would be to identify at least one, and potentially two paralegals for each Local Area on Malekula. The pilot would involve collaborating with service providers to provide initial training for paralegals as the bases for piloting a renewed approach to the use of paralegals on Malekula as an intermediary between community advocates for women, NGOs and formal sector agencies. (It could perhaps be scaled up in other parts of Vanuatu, once an effective strategy has been developed). Part of the piloting of the renewed use of paralegals will also be the clarification of where they are best placed (for example, attached to the Local Areas or to VWC or CAVAWs). Ideally these paralegals would be affiliated with area CAVAWs and linked by phone through a consultation and referral network with other justice sector personnel, including the Public Solicitor, the State Prosecutor and the Magistrate. This would require a dedicated budget for communication and transport, and perhaps consideration of small per diems for the paralegals as well.
- **Specialised support for the island courts** – with support from, and under the guidance of the judiciary, make an assessment of the current level of knowledge and appropriateness of increasing the responsibility of the island court justices with respect to domestic violence, as well as their interest in further capacity development in the area. Thereafter, if deemed appropriate by key stakeholders and in particular the Task Force in Malekula, SRBJ would look to develop an appropriate capacity development intervention targeted specifically for the island court justices and any newly appointed ones before they engage more actively in issues related

to family violence. Capacity development work in support of the island courts might be through engagement with the National Judicial Development Committee established under PJDP.

- **Piloting of Authorised Persons and Registered Counsellors.**¹⁵⁵ One part of the Family Protection Act that has not been implemented is the appointment of authorised persons or registered counsellors. The VWC has suggested that this could take place fairly quickly through the use of their Male Advocates as Authorised Persons and their trained CAVAW Counsellors as Registered Counsellors, as a starting point. While this is a sensible approach for other parts of Vanuatu, on Malekula there are currently no Male Advocates, and only two CAVAW Counsellors, so this may pose a problem. However, we understand that the VWC's Male Advocates Program will be commenced in Malampa shortly. Depending on the time taken for this to occur, SBRJ could investigate under the leadership and guidance of the VWC, the possibility of the Male Advocate Program selecting a very small group of men on Malekula through its usual process and then building their capacity with the support of SBRJ in the duties of an Authorised Person under the *Family Protection Act*¹⁵⁶, and then piloting it. The pilot could also include using one or both of the CAVAW Counsellors in the role of Registered Counsellor, and could potentially be overseen by the proposed Task Force in Lakatoro.¹⁵⁷
- **Strengthening the awareness and understanding of the Family Protection Act** to as many communities on Malekula as possible given its claimed impact on behavior change. This would be carried out in an integrated way as part of the legal literacy information audit and distribution planning suggested above (under intermediate outcome 3), overseen by the proposed Task Force and/or combined with other community outreach, awareness and community mobilisation activities.

Indicators for intermediate outcomes for 3.2.3 could be:

- Legal awareness, attitudes and practice before and after awareness activities.
- Actors and community understand roles of formal and informal actors.
- Number of successful prosecutions.
- Number of authorised persons and registered counsellors appointed and resourced.

155 As required under Vanuatu's Family Protection Act.

156 Several people suggested that the Family Protection Act was in need of revision. Currently Authorised Persons need to apply, and need the approval of several bodies including the Malvatumauri, and the Department of Women's Affairs. It is not clear what would be involved in an amendment to the Act, however, or if it would be worthwhile opening it up again for these kinds of technicalities. The DWA is currently advocating its review while we understand that other formal justice agencies who have been implementing aspects of the Family Protection Act feel that wholesale review is premature.

157 In the case study research, two key leaders suggested that it would be best to start with very small pilot projects, and slowly build out in a phased approach. For example, a good strategy might be to start in a few villages, or on an island, and closely monitor how things progress, and adjust as necessary.

Intermediate outcome 3.2.4: community engagement and awareness of family violence and gender equality has increased in the pilot communities (the same as VAPP Activity Logframe Intermediate Outcome 3.6).

Given many of the challenges around transportation and physical access to resources and services on Malekula, the limitations of focusing interventions only in the formal justice sector, and the significant issues around lack of awareness about domestic violence at the community level, any access to justice interventions for women experiencing family violence need to target entry points, and focus substantial interventions and resources, at the community level.

Indicative outputs in support of intermediate outcome 3.2.4 are:

- **Support for the strengthened engagement of churches in the issue of gender based violence** – much of the regional research on domestic violence supports this, and recognises ...the key role that churches and faith-based organisations can play in shaping community attitudes to violence against women and the fact that they are often the first point of contact for women who experience violence.¹⁵⁸ The work with churches may be providing support to aspects of their recently developed policy with respect to women; strengthening their approach to non-violence, equipping them with information regarding appropriate referrals as well as provision of more legal information.
- **Support to the Malekula based church's response to violence against women in Malekula** through identification of a group of church leaders for further capacity development by the VWC, and equipping them with referral and legal literacy information. If appropriate through the VWC process of selection, some church leaders could also become Male Advocates, and perhaps even paralegals.
- SRBJ will seek to **investigate and document some of the church-based initiatives that actively address violence against women** throughout the region including in the Solomon Islands, Papua New Guinea and Fiji¹⁵⁹ with the objective of sharing them among church communities in Malekula as part of the pilot (and ultimately could be scaled up with church communities across Vanuatu).
- **Strengthened engagement with kastom leaders** – SRBJ will work under the leadership and guidance of the VWC to explore the VWC providing training and referral and legal literacy information to *kastom* leaders, including chiefs and to Vanuatu Cultural Centre's men and women fieldworkers. Stage Two will also explore providing Male Advocates training to a handpicked group of chiefs who would work to support the training of other chiefs and *kastom* leaders. SRBJ will carefully monitor any work with chiefs and *kastom* leaders to ensure that it remains consistently supportive to women, and is implemented slowly and mindfully, along with other interventions including community mobilisation initiatives.
- **Support for the engagement of other community leaders** – SRBJ will explore providing capacity development and awareness raising to other leaders at the community level so that they play a

¹⁵⁸ AusAID, 2009. Stop Violence: Responding to Violence Against Women in Melanesia and East Timor, p. 18.

¹⁵⁹ Ibid.

more active role in supporting women in their efforts to access justice in situations of family violence. Appropriate candidates include teachers and community health staff to be more engaged in providing support and referrals for women who experience violence, and Area Secretaries. In pilot sites, SRBJ will engage several of these other community leaders in awareness, training and community mobilisation activities, and ensure that there is more of a 'whole of community' response, and an integrated community safety approach employed.

- **Piloting approaches to reduction of violence in at least two locations** – during the first half of 2014, SRBJ will, in collaboration with the Task Force, VWC and the DWA, develop a methodology for appropriate identification of villages in which to pilot violence minimisation approaches. Selected villages would receive intensive capacity development in an ongoing and applied basis on human rights, the relevant laws of Vanuatu including the Constitution and the *Family Protection Act*, gender equality and gender-based violence. The piloting would include clarification with *kastom* and community leaders when and where to seek assistance from or make referrals to CAVAWs, the police, and the courts.
- Assuming there are two appropriate villages are identified to pilot violence minimisation approaches, part of the support which the pilot will look to **offer is support for community mobilisation approaches that create spaces for sustained dialogue and work to shift community norms and behaviours** over time, by targeting the whole of the community, and not just particular individuals. SRBJ would seek to pilot a community mobilisation approach focusing not only on family violence but on building a broader culture of non-violence and providing women, men, children, and community leaders, with negotiation, conflict resolution, anger management and communication skills as tools to prevent violence. Stage Two will seek to identify examples of cultural practices, or adaptations of cultural practices, that are supportive of women, women's rights and gender equality and bring these into community discussions more actively. Stage Two will also identify examples of local resistance to prescribed gender roles and social norms that are limiting and harmful to women, and to share them more broadly. Bringing forward the stories of difference¹⁶⁰ and supporting local calls for change is expected to have a powerful effect. As a key women's advocate on Malekula said, '*If these men can change their beliefs and practices, then everyone else can too*'.

Indicators applicable to monitoring progress towards Intermediate Outcome 3.2.4 are:

- Awareness, attitudes and practice before and after activities in pilot communities.

160 Jolly, S. 2002, *Gender and Cultural Change: Critical Resources*, p. 8.

URBAN YOUTH IN CONFLICT WITH THE LAW

Intermediate outcome 3.3.1: Justice sector agencies (VPF, Judiciary, SPD, PPO, PSO) and the Blacksands community representatives respond more effectively, appropriately and collaboratively to juvenile justice issues in the pilot location (the same as VAPP Activity Logframe Intermediate Outcome 3.7).

There are a range of stakeholders who are currently working on issues relating to youth and access to justice in the urban context or who plan to in the near future, including organisations such as UNICEF and informal sector actors such as the churches. Presently these efforts have tended to be poorly coordinated, and there is a lack of solid evidence base in terms of the factors that contribute to reducing risk for involvement in crime among urban youth.

There are several initiatives under way within the formal justice sector to more effectively support juvenile offenders. These include: a dedicated day each month for youth hearings in the Magistrate's Court; prioritising of juvenile cases in the SPD; and Standard Operating Procedures¹⁶¹ for dealing with young offenders in the VPF. However, there are several key areas that could support these initiatives and extend their reach into the broader community.

The Blacksands peri-urban settlement community near Port Vila was identified through the case study as one where there is an enormous untapped need for community safety together with opportunities to build on strengths of a number of key actors. Blacksands is an area that VPF have been reluctant to attend except in crises and in which they certainly have no community policing presence. Overall, the pilot would work towards developing a more integrated and multifaceted approach to community safety that could address the needs and realities of urban youth and their communities more effectively.

- Carrying out in-depth research into the complex factors influencing urban youth risk or resilience to involvement in crime in Port Vila and Luganville¹⁶² which would serve three key objectives being (a) provide WSB with an evidence base for some of the youth targeted interventions that it currently conducts; (b) provide an evidence base that might support the proposed approach of the crime prevention working group and (c) to provide an evidence base for the youth targeted intervention for the Blacksands pilot which may latter be extended to other communities .
- Engaging in targeted institutional advocacy with key actors including the Department of Correctional Services, UNICEF, WSB, the Vanuatu Rural Development Training Centre Association, and formal sector agencies to strengthen their responses and support to juvenile offenders.

161 The Standard Operating Procedures currently outline procedures from the point of arrest on. Research in Vanuatu shows that significant issues occur in the pre-arrest period and often youth are picked up by police and released without being formally charged.

162 This is modelled on the Urban Youth in the Pacific: Increasing resilience and reducing risk for involvement in crime and violence research carried out in six Pacific countries by UNDP in 2011.

- Establishment of a Youth Justice Focal Point in the MJCS to coordinate all services and initiatives relating to youth justice across various sectors of government and with civil society organisations.
- Development of a communications strategy as it relates to youth justice. This would include an audit of existing legal literacy materials relating to juvenile justice, including non-written communication materials and products, and the development and organised distribution of legal literacy materials and products.
- Support for legal empowerment among youth through the use and/or training of paralegals as well as trained youth counsellors.
- Collaboration with key stakeholders including UNICEF and the VPF to expand the current Standard Operating Procedures Investigations Involving Children and Youth, August 2011 (Revised June 2012) to include procedures to better regulate police discretionary practices pre-arrest, and train police officers in their use and application.
- Building on community leaders, youth leaders and networks as a basis for community dialogue with police, including supporting the strengthening of the VPF Professional Standards Unit.
- Support for the establishment of a community-policing unit that is trusted and approachable and would liaise and work with the community as well as strengthening of the levels of awareness amongst police generally regarding crime prevention and community policing.
- Advocating with VPF and the VAPP to strengthen the transparency and accountability of the internal complaints mechanisms.
- Support to targeted justice sector legal literacy and awareness with the community and the youth, in particular.
- Strengthening (with a view to supporting accreditation) of youth counselling (which can then be relied on in courts).
- Supporting the training of paralegals within the community;
- Advocating with VPF and VAPP to advocate for executive support for the objectives of the pilot.

This pilot community safety approach would be carried out with the advice, support, and active collaboration of WSB who offer a depth of knowledge of, and relationships with, the Blacksands community.

Indicators applicable to monitoring progress towards Intermediate Outcome 3.3.1 are:

- Youth Justice focal point at MJCS appointed and supported.
- Juvenile Justice Task Force meets regularly.
- Community engagement baseline developed.
- Research completed, disseminated and reflected in youth-friendly sector policies.
- Community safety approach designed and implemented.
- Perception of justice sector as youth-friendly.
- Evaluation of Pilot.

How will SRBJ approach Capacity Development?

The theory of change underpinning the work of Component 2, aims to provide a theoretically well-grounded and practical basis from which to plan and deliver an integrated, systemic approach to capacity development. SRBJ understand organisational capacity to have many tangible elements, such as structure, budgets, systems and infrastructure, but the program also recognises capacity as an emergent property of the human system: a set of capabilities, qualities and potentials that are influenced by intangible elements such as culture, relationships, communication and power. Experience tells us that having people with the right skills and equipment is no guarantee of performance. Many other factors come into play that are more concerned with intangibles, including the motivations, interactions and tensions between people and groups. *Capacity is not only concerned with what we can do as individuals, it is also concerned with what we can and will do together.* So engagement in capacity development at an intangible level brings with it the need to address the transparency of deeply embedded patterns of behaviour and allow for examination of practices, expectations and barriers to performance that may have been overlooked for some time. Intangible elements tend to be impervious to capacity development that is fragmented, short term focused and targeting a quick fix. For this reason, our approach engages with the tangible elements in practical ways (e.g. planning and budget development) whilst also emphasising the need to pay as much, if not more attention to intangibles on the basis that these elements have greater influence over how well and how often capacity shows up in organisational performance and results.

Given the nature of intangible elements, working in this way means delving into the complexity of the system where SRBJ cannot confidently rely on best practice or expert opinion for guidance. Instead SRBJ brings many and varied voices to the work of defining vision, strategy, opportunity and priority, through participatory inquiry, stakeholder engagement and dialogue, backed up by sound democratic process. Inquiring into the status of capacity means engaging with the status quo, and uncovering behaviours, attitudes and practices that may be avoided, overlooked or even transparent to organisational members. Thus our approach seeks to create spaces for self-discovery and examination of the status quo as a key part of awareness-raising about the question of capacity, whilst recognising that such work can touch on sensitivities and challenge power, positions and vested interests. Working in this way means being prepared to experiment, to build on strengths, to consider many possible right approaches, and to take the time to standstill: to review, reflect and plan rather than rush quickly into action based on unexamined assumptions. It means developing and actualising a set of principles to guide the development and application of tools and activities. At the most fundamental level, to enhance sustainability and effectiveness of our efforts, it means seeing the organisation as an holistic, multi-layered and interdependent service delivery system, and targeting multiple opportunity spaces where SRBJ may seed interventions that link and build on each other, and are informed by effective M&E. All this, knowing that keen observation will be needed to remain attuned to the qualities that emerge in unexpected ways.

Our approach to change means we seek to address the development of tangible elements in pragmatic ways, whilst at the same time engaging deeply and meaningfully in the system to surface and develop intangible elements. In a sense, our approach aims to bring the system into a greater

awareness of itself, and then to offer support for action on self-defined priorities to improve service delivery and organisational effectiveness from the inside out.¹⁶³

The practical application of this theory is founded in four key practices that SRBJ understands are essential to effective and sustained organisational improvement: (1) strategic assessment, analysis and planning to establish a relevant and appropriate focus for the work; (2) systemic modelling and conceptualisation of the way in which the system functions and interacts to provide a framework for the intervention; (3) application of approaches to development that have a social systems focus and aim for sustainable shifts in behaviour and capacity; (4) systematic alignment of workplace processes, practices and systems to institutionalise the changes¹⁶⁴. It is of note that institutionalisation has a range of meanings in this context; from stabilisation through new policy, through to standardisation of practice, through to normalisation of behaviour which includes normalising the capacity for ongoing adaptation and responsiveness. In addition, interventions in each practice area are invariably linked and although they are arranged from (1) to (4) in a logical flow of activity, they are not necessarily enacted sequentially. For example, strategic assessment can also achieve specific capacity development aims depending on how it is conducted.

Practices (1) and (2) have been the focus of effort in Stage One, whereas the effort of Stage Two will target (3) and (4). Stage Two will focus on five levels within the sector as described in an integrating framework¹⁶⁵:

- (i) Individuals: capacity development will target job-related skills and capabilities;
- (ii) Functional sub-groups: capacity development will target professional capabilities with a focus on legal, financial and HRM capacities;
- (iii) Agencies: capacity development will target organisational improvements focussing on core functions and service delivery priorities;
- (iv) Cross-sector: capacity development will target cross sector coordination and service delivery improvements between Agencies;
- (v) Sector to stakeholder: capacity development will target the effectiveness of interactions, transactions and service delivery improvement at the interface of the sector with other systems: community, other parts of Public Sector, community organisations and NGO's, churches.

Although the interdependency and embedded-ness of each level with the others is understood, the articulation of the five levels of activity allows for a targeted approach to interrogation, planning and development that includes exploration of the following (also refer Figure 2):

- (i) **Capacity for what?** This identifies the specific goal of capacity at each level.
- (ii) **Assess Capacity by...** This identifies the overall approach to capacity assessment at each level, which draws on a range of purpose designed tools and processes.
- (iii) **Develop Capacity by...** This identifies the overarching methodology to be applied to development effort.

163Dr Vicki Vaartjes

164 Based on Transformative change model developed by Dr Vicki Vaartjes, and supported by various academic works

165 For a detailed description of the capacity development approach proposed for Stage Two, please see Annex 4.

(iv) **Monitor Capacity through...** This will note the key M&E mechanisms that are relevant to each level. The specific metrics and approaches to M&E will be defined in more detail as the assessment reveals the development needs.

Based on the work to date, Stage Two will conduct the following key capacity development activities guided in their design and implementation by principles of participation, appreciation, practicality, accuracy and relevance. A more detailed listing outlining the specifics of these initiatives as currently designed is provided in Annex 5. The practices and methodologies to be applied to development and institutionalisation of change at each level are described as follows:

Level	Development strategies	Institutionalising ¹⁶⁶ strategies
Individual:	Implementation of recommendations arising from individual capacity assessment processes, integrated into annual plans; • In-house training utilising local or regional expertise • Capability based training designed to specifications utilising local or regional providers • Off-the shelf training • Targeted TA support	Targeting applied learning strategies, by developing broad capability in a range of workplace-based learning approaches. These will be applied as a formal component of the development strategy and as informal/ ad-hoc approaches to experience based learning. • Coaching • Peer Mentoring • Project-based action learning
Functional sub-groups:	<u>Legal:</u> Law student internship program Lawyers' on-going professional development through a comprehensive program including: • Workplace based practice mentoring • Support for scholarships, continuing legal education • Advanced professional development courses (e.g. Victorian Bar Association) • Conferences and seminars • Twinning and exchange <u>Finance:</u> Financial capability program utilising	Targeting applied learning strategies, by developing broad capability in a range of workplace-based learning approaches. These will be applied as a formal component of the development strategy and as informal/ ad-hoc approaches to experience based learning. • Coaching • Peer Mentoring • Project-based action learning

166 Institutionalising in this case is intended to have varying meanings depending on the degree of institutionalisation required, from embedding in policy, to standardisation of practices, through to consolidation of normative behaviours for collaborative and participative processes.

Level	Development strategies	Institutionalising ¹⁶⁶ strategies
	local resources <u>Human Resource Management:</u> Strategic HRM development utilising regional resources	
Agency:	• Implementation of business plans and workplace improvement (PSO & SPD); • Institutional leadership development program; • Women in leadership development program; • Building agency capacity in child protection; • Implementation of Ministries' corporate plans; • Targeted support for institutional capacity development initiatives; • Technical Assistance in key functions (capacity development, human resource management, budget and financial management, M&E) utilising international and local TA	• Targeted plan implementation support across the sector provided through the MJCS • Three stage approach to institutional development (refer Figure 1) integrating strategic workplace improvements drawn from business plans as the foci for development action • Leadership development activities that are contextually designed to fit the specific needs of J&CS sector leaders in Vanuatu, which supports higher levels of identification and internalisation as needed to engender commitment to behaviour and practice change • Support for implementation and standardisation of target HRM process improvements
Cross-sector:	• Targeted capacity development support for Ministries and Agencies to implement specific JCSS strategies (i.e. juvenile justice, case delay reduction, infrastructure & human rights) • Change leadership development program for Heads of Agencies	• Practice development to build capacity for collaborative and participative planning, decision making and strategy implementation • Application of results-based project implementation process, utilising action learning methodology
Sector to Stakeholder:	Targeted capacity development support to Ministry and Task Force to implement JCSS strategies (crime and impacts of crime, customary disputes, victim support, and access to justice)	• Practice development to build capacity for collaborative and participative planning, decision making and strategy implementation • Supported application and

Level	Development strategies	Institutionalising ¹⁶⁶ strategies
		facilitator development in SARAR¹⁶⁷, action research, appreciative inquiry and other appropriate participative methodologies to support collaborative sector– community driven change

¹⁶⁷ SARAR is process for community participation. The acronym stands for the five characteristics of the process: self esteem, associated strengths, resourcefulness, action planning and responsibility

Figure 1: An approach to institutionalising Agency level development

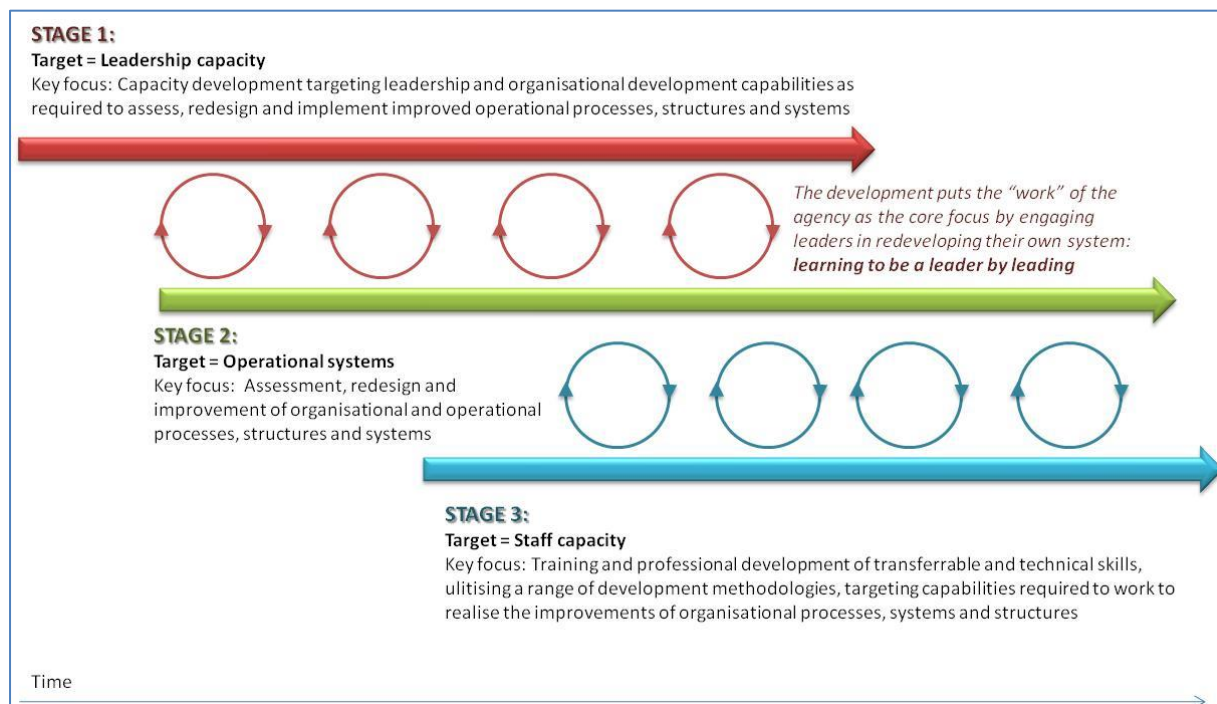
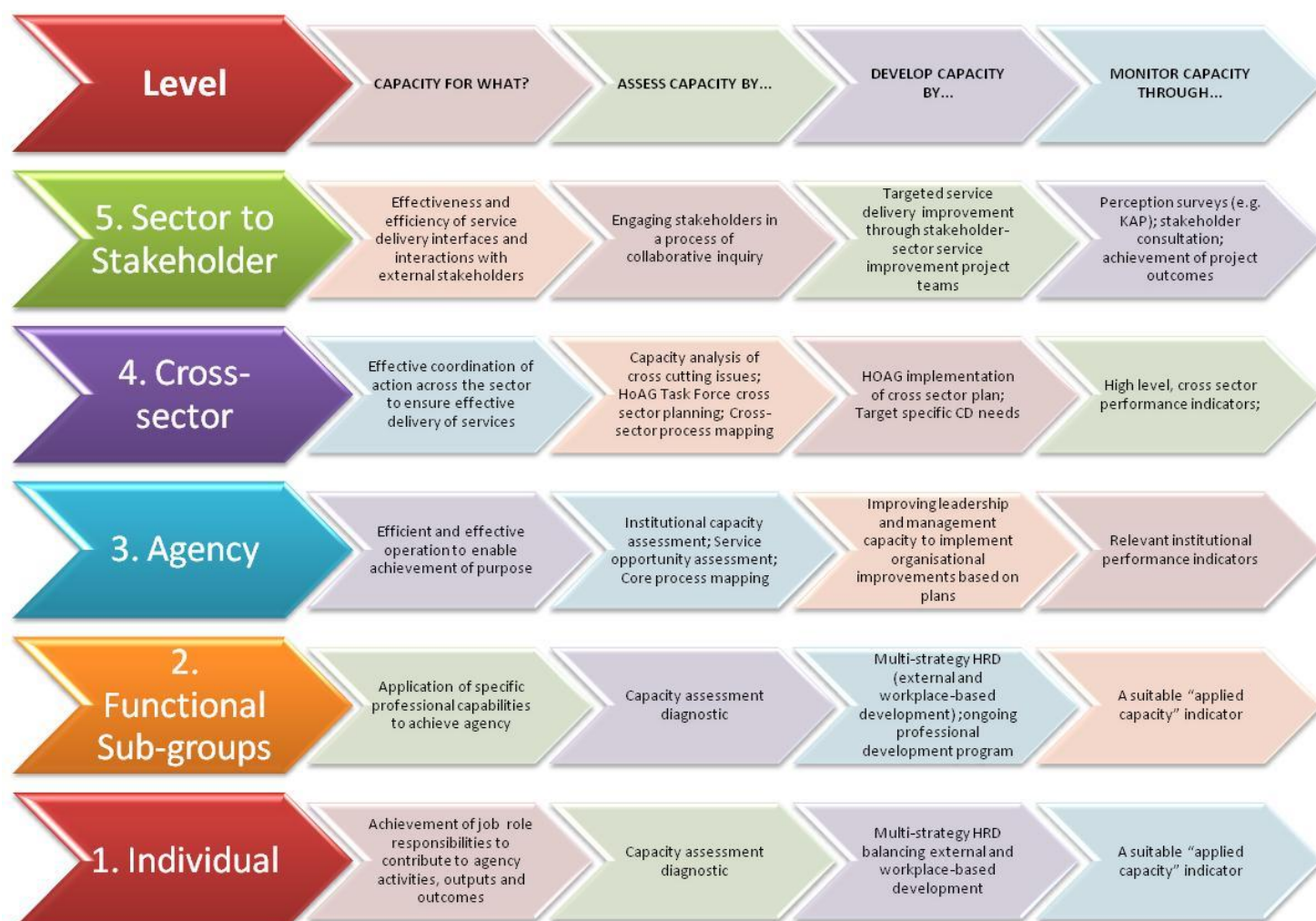


Figure 2



Key partnership strategies/approaches

Successful implementation of SRBJ Stage Two will also be influenced by:

- **Maintaining relationships with key stakeholders across the sector**—Stage Two will build on the strength of the relationships built with the MJCS and key agencies within the government agencies of the sector. It will also extend and strengthen relationships beyond government agencies to civil society organisations (CSOs), NGOs and community stakeholders that participate in the delivery of justice services or advocate for vulnerable groups. SRBJ team will need to support the development of strong relationships across state and non-state actors to ensure that the program strategies are effective and program outcomes are sustainable. Collaborative action will continue to be required to achieve shared objectives and bring about relevant, appropriate and sustainable benefits.
- **Capacity development strategies**—Stage Two will build on the assessment and planning of Stage Two and will use a blended approach that uses organisational capacity building and is service delivery focussed, as well as problem solving and thematic. It will be flexible, incremental, iterative, building on localised solutions and strengths.
- **Alignment of SRBJ processes with GoV processes**—Stage Two will continue to align all interventions, particularly under Components 1 and 2 with the GoV systems, including: planning, monitoring, project management (PMO M&E Unit, Project Management Unit, PAA, PLAS), capacity development (Public Services Commission (PSC), Judicial Services Commission (JSC), CLE, Institute of Public Administration and Management (IPAM)), financial management (Ministry of Finance and Economic Management (MFEM), smartstream and information and communications technology (ICT), OGCI0, e-Government program).
- **Building demand for access to justice** – Stage Two will increase its focus on creating a community demand for increased responsiveness of justice and service delivery by the sector (using Component 3 interventions together with strengthened legal awareness, literacy and communications under Component 1 and capacity development at the sector to stakeholder level under Component 3).

Operating principles

The design of Stage Two of SRBJ builds on and refines the 'principles to guide collaboration' articulated in the original design¹⁶⁸ in the following way:

- **Partnership**—the GoV and GoA jointly commit to achieving the end-of-program outcomes agreed in the design to contribute to the shared vision (purpose) and mission (goal) of the sector and SRBJ. Collaborative action is required to achieve the shared objectives and contribute to relevant and sustainable benefits. SRBJ will continue to be managed through a joint governance structure that supports ownership of the program and provides responsive guidance for the implementation of activities.
- **Mutual accountability**—GoA is accountable for the commitment to support the sector for two and a half years and the GoV is accountable for efficient and effective delivery of development results. For example under component 1 it is the Task Force and the Working Groups that will drive the implementation of activities under the eight strategies with the support of a 'hub' made up of MJCS staff and SRBJ staff, which will increasingly be supported by MJCS staff. Financially, SRBJ and MJCS will develop agreed benchmarks for devolution of financial management of aspects of SRBJ which will result in mutual accountability for example the management of the budget that supports the cross sector work; the financial management and administration of the grants facility. Monitoring and evaluation will be transparent, jointly implemented, mutually supportive and conducted in cycles that support the GoV budget and planning cycles.
- **Alignment with GoV systems and policies**—SRBJ is designed to support the JCSSS and the MJCS Corporate Plan 2014–16, with planning and reporting requirements aligned with the PAA and PLAS and in accordance with the requirements of the M&E Unit within the PMO. Recruitment where the position is intended for ultimate absorption by the GoV will be aligned with the PSC requirements. Capacity development initiatives are coordinated with the GoV's PSC requirement and supportive of other GoV agencies with a mandate for building capacity (for example, IPAM, the USP School of Law, the Law Society CLE initiatives, GoV Scholarship programs, etc.). Financial support is aligned with the requirements of MFEM and the GoV budget cycle.
- **Flexibility and responsiveness**—the context in Vanuatu remains relatively fluid and the SRBJ approach is incremental rather than comprehensive, adopting flexible, contextualised appropriate solutions and interventions. Focusing on issues for which there are local constituencies for change, GoA's cooperation will remain responsible and support

168 AusAID's Strettem Rod Blong Justice, Vanuatu Law and Justice Partnership Design Document, September 2011, pp 35–6

relationships and activities where traction for doing so exists. The approach is iterative and incremental, learning from past lessons and evidence.

- **Sustainability**—the sector strategies could not currently be funded by the GoV in their entirety, although they do allow for better coordination with donors with whom many of the strategies are likely to resonate. Some aspects of implementation will be cost neutral and some will be significantly expensive and require external support (for example, the construction of the new corrections facility on Efate and the construction of a new Palais de Justice for the Supreme Court). SRBJ support for the MJCS itself is modest with the intention that over the two and a half year period those positions will be included in recurrent budget. The design overall allows for increasing allocation of GoV funds to the interventions.
- **Efficiency** – through the narrower focus on value-for-money activities, the streamlining of other program activities within SRBJ (extended support to the VPF, collaboration with churches, etc.) There will also be use of in-country expertise with a reduction in the need for planning and assessment.
- **Effectiveness**—strengthening the capacity development approach to ensure that it is appropriate, targeted, multilevel and grounded in work-place application which is tied to improved service delivery and uses mixed modalities which maximise the in-house and in-country resources for capacity development. The piloting of initiatives under Component 3 has the potential to be scaled up over the two and a half year period, based on proven results and lessons learned.
- **Scale-up**—SRBJ provides support for scale-up where communities and local government express demand, provincial government is committed and where communities achieve certain pre-conditions, based on the evaluation of the existing pilots.
- **Information sharing**—SRBJ will encourage and support information sharing: between agencies (VPF, SPD, PPO, PSO, the Judiciary and the DCS) to improve management and planning; with other parts of GoV to strengthen collaboration in support of the sector strategies; with other donors and programs to support donor coordination and harmonisation; and with the community to raise understanding and awareness and build demand.

Form of Aid

The form of Aid is predominantly a Partnership managed by an ISP that incrementally allows increasing funds to be used through the GoV financial system as the capacity of the MJCS and individual agencies increases. This could be done through the GoV Development Fund for the benefit of MJCS or any of the government agencies, or through direct funding agreements supporting earmarked sector budget support, depending on consultation and agreement with SRBJ.

Scale up

Since SRBJ has only been implemented for just over a year, few of the activities are yet ready for scale-up. Stage One was characterised by support for collaboration and strategic planning, with assessments and planning of capacity development and some additional key initiatives. The SCA pilots are not suitable for scale up in 2014. The pilots in Malekula for women experiencing family violence could be scaled up to additional locations in Malekula after 24 months. At the end of the first 12 months SRBJ will commence synthesis of all lessons learned, refinement of approach and planning for possible scale-up. With respect to the pilot focussing on youth and community safety in Blacksands, it is intended that the program similarly commence synthesis of all lessons learned, refinement of approach and planning for possible scale-up to a similar location which has similarities but notable distinctions such as less mobility of youth.

Links to other programs

Reducing proliferation and synergies with other AAP programs and recipients

VAPP

SRBJ will work closely with VAPP under the integrated PJSPV design.

Churches

It is understood that with the completion of the AAP funded Vanuatu Churches Partnership, AAP's intended approach is to integrate working with churches in its other sectoral programs. Through its thematic work in Component 3, SRBJ will develop an evidence base at the community level for work with the churches in support of thematic priorities of the sector and will collaborate with churches as a key partner with respect to setting of norms and to the provision of services related to protection and prevention. The SRBJ will work initially at the community level with key members of churches recognised as effective from the perspective of the target groups, and take incremental steps that include churches as appropriate particularly in the pilot work under component 3. Churches will be a key stakeholder group to be consulted in the refinement of the activities under the eight sector strategies as well as the implementation of those strategies.

Kastom governance

SRBJ will work at two levels with the interface of kastom and the justice sector more broadly. The first is in support of the JCSSS relating to kastom, which seeks to strengthen the kastom system of management and dispute resolution and the linkages with the formal system; and supporting the facilitation of that work. The second is through working more closely with kastom leaders at the community level for the thematic pilots related to children, women and youth under Component 3 whilst recognising that this needs to be sensitive, iterative and appropriate given the very blended nature of the formal and kastom systems at this level.

Vanuatu Land Program

Stage Two of SRBJ will harmonise support with this program in the area of assistance to the Customary Lands Tribunal now Customary Land Management Office and the Malvatumauri. There have also been initial discussions with respect to joint support for a KAP survey by the MJCS if this continues to be the most appropriate approach to the development of a sector wide baseline.

Vanuatu Women's Centre (VWC)

AAP currently provides significant support to the VWC. SRBJ will strengthen links with the VWC on domestic violence and gender sensitisation workshops to the formal sector agencies and others.

One initial presentation has been held with lawyers from the PSO and the SPD and there is a clear need for further sensitisation and awareness even amongst lawyers to the issue in the context of Vanuatu and the barriers to action for women. SRBJ will work in close collaboration with the VWC with respect to the pilot in Malekula to strengthen the initiatives and assets of the VWC in Lakatoro and two village locations within the Malekula. SRBJ will facilitate access by VWC to lawyers, judiciary and others where appropriate.

Wan Smolbag Theatre (WSB)

AAP provides core funding to WSB which is a non-government organisation based in Vanuatu but operating all over the South Pacific. Coupled with structured workshops facilitated by actors, the organisation uses drama to inform, raise awareness and encourage public discussion on a range of contemporary health, lifestyle, environment and governance issues.

WSB is funded by international donors and runs programs in education, environment, governance, health and youth issues. These can address many themes including waste management and electoral rights to domestic violence and AIDS. WSB has many links with the Blacksands community and already fulfils a role in mentoring and counselling youth from that area. SRBJ will collaborate with WSB to develop an appropriate approach to strengthening community safety in Blacksands and commencing a dialogue between the communities, especially the youth and the police in a way that is supportive to its work.

Vanuatu Technical and Vocational Education and Training (TVET) Sector Strengthening Program

TVET is another AAP funded Program which aims to support provincial economic development through targeted training in Sanma and Malampa provinces. The Program supports activities that encourage a more responsive and better quality training system that is able to meet the skill demands of the productive sectors in provincial communities. The Program operates within existing structures and works with local training providers to deliver courses focused on employment and income-generation outcomes within a nationally recognised framework.

During Stage Two SRBJ will work more closely with TVET as one of the partners in the integrated pilot to support pathways to action for women experiencing family violence in Malekula, through: support to the task force; active inclusion of the violence awareness and legal literacy during training, especially given the raised vulnerability of women in circumstances of increased independence as well as; and use of TVET assets to support women in situations of violence.

Office of the Government Chief Information Officer (OGCIO)

The OGCIO receives significant support from AAP to progress its e-government work. The OGCIO worked in close collaboration with the MJCS and SRBJ to recruit the CDM Adviser and will continue to collaborate with the MJCS and SRBJ in the management of the outputs of that adviser and subsequent prioritisation of the business case proposed by him, which will continue into Stage Two.

Harmonisation with other Donor and Multilateral Programs

NZ Aid Programme–MFAT support to Corrections

SRBJ will continue to work collaboratively with the support that NZ provides to the Department of Correctional Services and the judiciary. GoNZ support focuses on the internal strengthening of the Department and is likely over 2014 to have an increased focus on refurbishment and building of corrections facilities. SRBJ complements this support by strengthening the strategic planning capacity of the institution; building the MJCS capacity to provide corporate services to its Departments (Component 1) provision of multilevel capacity development interventions

(Component 2), facilitation of cross sectoral priorities and increased more focused support with respect to juvenile justice issues. GoNZ and SRBJ jointly supported the Pacific Conference for the Network of Female Corrections Officers at the end of 2012. GoNZ also provide support to the judiciary through the placement of a long term judicial officer with the Supreme Court judiciary

The World Bank – Jastis Blong Evriwan (JBE)

JBE is currently working on the planning for land advisory services program to be which will require strengthening of the capacity of the MJCS with respect to finance and procurement. However, funding for the implementation phase of that program has to be located before it can proceed. This has occurred as AAP is no longer able to fund the next phase of the program as a result of a reduction to the aid budget. Assuming JBE's program were to proceed then both JBE and SRBJ would provide mutually beneficial support for strengthening of the capacity of the MJCS, particularly with respect to strategic financial management and audit arising from the World Bank support of the MJCS and SRBJ's intention to strengthen government financial systems and capacity pursuant to the AAP PFM assessment during the first half of 2013.

If the land advisory services program were funded, both JBE and SRBJ have an interest in building a statistically sound national survey to provide a baseline for planned interventions and GoV monitoring and evaluation.

UNWomen

SRBJ has provided comments on the UNWomen concept note on Advancing Gender Justice in the Pacific country paper. There are several areas of opportunity for harmonisation of support. UNWomen propose a national consultation and development of a methodology to determine two pilot locations for mapping legal aid providers; training women's groups on how to 'map' cases;¹⁶⁹ and monitoring how cases of family violence are treated. Stage Two will explore opportunities to broaden those pilots and to also map more broadly what networks exist in those locations that support women's pathways to action when they experience family violence. This may include support to developing a national strategy for enhancing legal/paralegal assistance to women, which builds on a baseline of what currently exists and the areas of greatest need.¹⁷⁰ Both the pilots envisaged and the mapping of legal and paralegal assistance would provide support to the pilot in Malekula and would allow for more rapid scale up in the future.

UNICEF

UNICEF's child protection program provides a number of discrete interventions to the agencies within the sector. SRBJ will continue to meet to harmonise and coordinate interventions with the aim of, where possible, to provide capacity development support under the capacity development strategy for the sector to strengthen the impact of the UNICEF intervention. For example, the training proposed for the judiciary and the police after development of the directives and standard operating procedures could be strengthened by enhanced awareness through the communications strategy (Component 1) and further training in appropriate language when SRBJ is conducting any of the sector to stakeholder capacity development activities. The SRBJ monitoring officer has also

169 What this involves needs a little more clarification.

170 This may include an assessment of the RRRT program including where the current community paralegals are placed, what they are currently doing, how active they are to consider revitalisation of this program.

provided support to the MJCS Child Desk Officer in an approach to monitoring of the UNICEF funded pilots in Tanna and Malekula.

Pacific Prevention of Domestic Violence Program (PPDVP)

SRBJ will continue regular coordination with this GoNZ-funded program and, in consultation with VAPP, integrate any capacity development initiatives with the sector into the capacity development framework, to leverage potential support with respect to the pilot for pathways to action for women in Malekula with PPDVP.

Pacific Policing Program (PPP)

SRBJ will work with the regional program and VAPP to seek support for developing the capacity of the VPF who will be working with the Blacksands community and the community-policing unit in Port Vila. Stage Two will explore accessing the KAP survey of VPF to contribute to the baseline for the piloting work. Ethics and human rights training would be supported and strengthened where possible for the key actors within the Blacksands pilot.

Pacific Judicial Development Program (PJDP)

SRBJ will continue regular communication with PJDP. SRBJ is currently funding the MOU between the Supreme Court of Vanuatu and the Federal Court of Australia, which is focusing on the case management of the courts. This will work in close synergy with the work of the CDM Adviser and the recommendations that will be made for systems and technology needed to support the vision of the courts in terms of case management and registry function. SRBJ will explore opportunities to work with PJDP and the National Capacity Development Committee within the judiciary with respect to any planning and delivery of capacity development for island court justices within the pilot locations in Malekula.

Pacific Leadership Program (PLP)

SRBJ will work in close collaboration with the PLP program during Stage Two with respect to its support for the DWA in particular to ensure harmonisation and mutual benefit.

Office of the High Commissioner for Human Rights (OHCHR)

The OHCHR support to the MJCS with respect to the National Human Right Committee is recognised and reflected in the sector strategy and working group work.

Delivery mechanisms

The table below sets out the types of delivery mechanism that will be used across the SRBJ Stage Two. Component 1 will use program funding, moving incrementally to use of GoV systems, some core agency funding, the grants facility and possibly some infrastructure support to underpin sector strategies as appropriate. Under component 2, capacity development will be provided by program funding, increasingly managed by MJCS and agencies and institutions. There is an opportunity for specific grants to service deliverers. The grants facility will be accessible for capacity development by stakeholders as well as small infrastructure assistance where it would support sector strategy of the agency level strategic plans. Component 3 will be through program funding, specific grants to implementing partners and possible infrastructure support.

Delivery Mechanism	Component 1 (Cross sector collaboration & coordination)	Component 2 (Capacity Development)	Component 3 (Enhancing Justice outcomes for children, women & youth)
Program Funding	Program funding to support the indicative outcomes through technical assistance, research, facilitation, assessment, evaluation, strategic direction etc. Increasing use of GoV systems over time as capacity increases.		
Core agency funding	Core agency funding will be provided to MJCS and VLC to support establishment of staff & operational costs, initially through program funding and increasingly through GoV systems as capacity increases by supporting PFM assessment recommendations.		
Specific grants		To service deliverers for identified inputs within the sector capacity development framework	To partners within the pilot programs, for example VWC, WSB
Grants Facility	A grants facility mechanisms targeted at grants of up to VUV 5M which support one or more of the eight sector strategies and/or outputs identified in the agencies business or annual plans not funded by GoV or builds capacity to enable an outcome within the eight sector strategies or agency business or annual plans.		
Infrastructure/Assets	Contracts to implement small-scale infrastructure with accompanying equipment to support the sector strategies and / or agency level business and annual plans. Decisions will be made by the PMG and informed by the priorities determined by the working groups and task force for the JCSSS.		

Personnel

Detailed position descriptions for SRBJ personnel (together with VAPP personnel) are attached in Annex 15.

International Long Term	Person Months
Partnership Coordinator	27
Capacity & Leadership Development Adviser	27
Contract Manager	27

Adviser to the Public Solicitor's Office	27
Adviser to the Public Prosecutor's Office	25
State Prosecutions and Community Safety Adviser	27
International Short Term	Person Days
Data and Case Management Adviser*	60
Partnership Financial Management Adviser*	45
HR Adviser*	30
Case Delay Assessment Specialist*	90
Bar Association Adviser 1*	10
Bar Association Adviser 2*	10
M&E Specialist	270
Sector Strategy Action Plan Workshop Adviser*	5
Locally Engaged Long Term (SRBJ project roles)	Person Months
Grants Finance Officer	27
Admin Officer	27
Locally Engaged Long Term (SRBJ-funded MJCS roles)	Person Months
Policy Officer *	25
Strategic Financial Manager	25
HR Manager	25
Project Officer	25
Youth Focal Point	25
Monitoring Officer	27
Pilot Support Officer for Women	18
Locally Engaged Short Term	Person Days
Pilot Support Officer for Youth	365
LSIP Administrator	270
Facilitator	50
Locally Engaged Technical Assistance Pool	Person Days
TBC	Up to 100

* Position descriptions to be finalised after consultation with MJCS, VAPP and AAP.

5. Implementation arrangements

Management & Governance Arrangements

The PJSPV will be a partnership between two separately managed component parts (policing and justice and community services) that will work closely and collaboratively under the direction and oversight of DFAT. SRBJ will be managed by an ISP (managing contractor),¹⁷¹ while VAPP will be managed by the AFP. The ISP will maintain the high level of financial management, human resource management, contract management, quality assurance, planning, and review and resource allocations systems established under Stage One of SRBJ. The AFP will continue to manage the VAPP program in keeping with AAP and internal AFP requirements.

The ISP will assist participating stakeholders to manage program funding, core funding, specific grants related to Component 2 and 3, the grants facility, small scale infrastructure and refurbishments. The ISP will also assist in the management of the VAPP operational fund in conjunction with the VAPP.

The structure will build on existing arrangements, with advisors working together in collaboration across the themes identified above. At a strategic level, the respective Coordinators for the police and justice and community services components need to work closely with each other and with DFAT. In Port Vila, strategic oversight will continue to rest with the Counsellor (Development Cooperation). In Canberra, the AFP and DFAT will continue their wider inter-agency collaboration. In order to improve efficiency, the managing contractor will manage expenses associated with the deployment of AFP personnel within prevailing AFP terms and conditions.

This new program will require teamwork. In a relatively compact capital city, the VAPP and SRBJ teams have operated rather separately and with noticeably different institutional cultures and orientations. For example, the sub-design team noted that it was striking that there was a perception within the VPF executive that they had only two advisors, whereas in reality more than double that amount were also working with the organisation.

As indicated in the investment description for the VAPP, the VPF will get a wider range of advisory support, access to broader opportunities and access to more funds under this new modality. Improved co-ordination between the police and justice and community services components will result in improved police development outcomes. There should be no real impediment to close collaboration and mutual appreciation of development needs between these two Australian government-funded operations. Given the relative scale of the policing justice and community services sector in Vanuatu, it should not be difficult for close co-ordination and consolidation of common resources to occur. The efficiency gains of such partnership are obvious. It would be helpful for SRBJ and VAPP to develop a branding strategy to indicate that they are working together in a unified direction.

During Stage One SRBJ utilised a simple and effective management structure, which it will adapt to the new program. It currently comprises:

¹⁷¹ However, it is intended that management of activities, monitoring and fiduciary accountability will increasingly be placed on the MJCS over Stage Two. This could be done through agreed milestones based on the recommendations of the PFM assessment.

1. A HOAG¹⁷² which meets quarterly and is responsible for the high level governance and oversight of the program, as well as of the sector strategies under JCSSS and the work of the Task Force and the working groups. The DG elevates issues to this level as required.
2. The PMG comprising MJCS, VPF, DFAT and SRBJ has primary responsibility for the management decisions for the implementation of the Partnership. It currently meets monthly and the MJCS has indicated it would like the meetings to continue at the same frequency.
3. The Managing Contractor for SRBJ is responsible for the day-to-day management of the SRBJ program.

The VAPP PMG currently meets quarterly. In the first year of the program both SRBJ and VAPP will continue to be directed by their respective PMGs. However, separate PMG meetings will be interspersed with rotating attendance by Coordinators at the other PMG. In the second year, there should be an integrated quarterly PMG with alternating chairs (Commissioner/DG).

A joint annual work-plan, which will indicate points of intersection and mutual responsibility, will be developed in the first three months of PJSPV. The joint work plan could draw on Annexes 13 and 14.

There is an important role for DFAT to ensure that programming proceeds in an outcomes-focused manner. This will require active administration, supervision and broad oversight on their part.

SRBJ and VAPP will be subject to their own organisational policies, procedures, reporting requirements and performance management frameworks. Both AFP staff and SRBJ contracted personnel will abide by their respective obligations concerning confidentiality, privacy and integrity of information.

Procurement

All procurement for PJSPV will be consistent with the principles of the Australian Commonwealth Procurement Rules. Under an agreement to be concluded the ISP will assume some of the financial management responsibilities for the VAPP component. An initial task for the ISP will be to update the SRBJ Operations manual for AAP to review and endorse, that will update, among other things, the financial management and procurement processes for SRBJ. The ISP will also provide technical, managerial and administrative resources to support delivery of the program.

The ISP will provide a flexible management and administrative capability to deploy and manage a team of national and international advisers. The ISP will also manage contracts for technical assistance and other services, procurement of goods, and small-scale infrastructure for SRBJ.

¹⁷² The HOAG has representatives of government from the MJCS, the Malvatumauri, National Council of Chiefs, the Judiciary, the PPO, the PSO, the SPD, the SLO, the VPF, the Ombudsman, the Auditor-General's Office, the DWA, the DCS and the VLC. In addition, when NGOs are invited then there are also representatives from Vanuatu Council of Churches, WSB, UNWomen, UNICEF, SCA, Transparency International, Vanuatu National Women's Council as well as CSOs and NGOs who implement disability, child and economic empowerment related work associated with the mandate of DWA. The HOAG has not continued to meet with the same regularity since the change of Director General but the program will be advocating for and supporting the regular meeting and updating of the HOAG as the overarching governance group.

Monitoring and Evaluation (M&E)

The importance of a strong and robust Monitoring & Evaluation (M&E) system is self-evident. Monitoring is a key management function that involves collecting data in order to ensure that programmatic decisions are based on sound evidence; evaluation is a systematic and objective assessment of an ongoing or completed program, its design, implementation and results. Monitoring is conducted within the program; evaluation is led by independently contracted expertise. It is noted that M&E is an integral component of all AAP programs,¹⁷³ as well as in all AFP police development missions.¹⁷⁴

The M&E approach consists of two related components. An M&E Framework for the Policing, Justice, and Community Sector will enable a coordinated approach across the sector. This will focus on improving existing reporting according to the requirements of GoV; as well as reporting on cross-sectoral activities including capacity development, the JCSSS Working Groups activities against action plans, case and data management, and case progression.

In addition, an M&E Framework will be devised for the contributions of the PJSPV, including both the VAPP and SRBJ components¹⁷⁵, which coordinates with the sector wide M&E framework. Both of these frameworks will be produced in the first three months of the new program.

Prior to the activities outlined commencing, there is a need to attain accurate status updates on the elements of police development and justice and community services development in Vanuatu that the programmatic interventions will address. The findings of these studies constitute the baseline against which program progress will be measured.

In the first six months of the program, the police component will aim to commission a baseline study in order to attain an accurate status update on policing in Vanuatu.¹⁷⁶ This study comprises a station visits program and a community perceptions survey. Station visits and community perception surveys are cornerstones of good aid practice in law and justice development. Police station visits, which assess police stations against internationally recognised criteria, gauge changes over time and also facilitate civil society involvement in law and justice development. Surveying community perceptions of crime and policing is the best way to identify and assess attitudinal change on the part of the population. This work will be especially useful to gauge progress in the community engagement and crime prevention arena. Obviously, this work will require approval from the VPF executive for it to proceed.

Drilling down into the areas specified in the VAPP activity description, there is also a need to gain an accurate understanding of where programming begins from in order to determine change. In the areas of public financial management and professional standards, advisers—one from VAPP, one contracted by DFAT—have already conducted in-depth analyses and these constitute a starting point for the purpose of making comparison. A training needs analysis/capacity development assessment is a fundamental point of reference for ascertaining the effect of professional

173 DFAT IET and Pacific Branches Evaluation Capacity Building Program Monitoring and Evaluation Standards, 2014 version.

174 IDG Strategic Framework for Police Development (2013) p.21.

175 The draft M&E Framework for SRBJ will inform this document.

176 In 2013, the AFP conducted community surveys and a police station visits program prior to deploying to assist with station-based policing Papua New Guinea.

development assistance. Pre-course and post-course testing on workplace application of training within which VAPP have assisted would determine the effectiveness of training programs.

Program Monitoring

A rigorous monitoring and evaluation framework is required to ensure appropriate oversight of the expenditure of Official Development Assistance (ODA).

SRBJ already has a strong commitment to program monitoring. Two positions within the program (an M&E specialist and a locally engaged monitoring officer) are dedicated to ensuring that programmatic work is captured. SRBJ will ensure that activities in the police component are also captured, with an additional Monitoring Officer dedicated to this purpose.

In addition to existing commitments with the SRBJ program, the SRBJ M&E Specialist (with the provision of extra contract days) will:

- Help the initial set-up and refinement of the M&E Framework for Australia's Policing and Justice Support Program (Vanuatu);
- Work with the Monitoring Officers on development of a sector wide M&E framework;
- Supervise and Mentor the Monitoring Officers as required
- Help advisers to understand and elaborate how their assistance and support contribute to the achievement of outcome measures;
- Assist in managing the police stations visit process;
- Assist in managing the community perceptions survey;
- Conduct follow-up internal reviews of projects in order to gauge their effectiveness, impact and sustainability;
- In concert with the VAPP Coordinator, provide continuity between the mission and IDG in Canberra.

In Port Vila, a police-specific Monitoring officer (MO) will ensure that in-mission work is captured. This will involve collecting reporting on project progress, and the collection of relevant data on VPF processes and operations. The MO will draft the quarterly performance report for VAPP, in conjunction with the Coordinator.¹⁷⁷ This individual will also be responsible for gathering data on the program's outcomes to inform six monthly reporting to DFAT, and standardised reporting to GoV. This will be a locally engaged position. Additional support can be provided from the IDG's Design & Evaluation (D&E) team in Canberra, as required. The M&E Specialist will supervise the police-specific MO's work.

All monitoring systems stand or fall on the quality of the information that is put into them. It is, thus, incumbent upon the Coordinator of the police component to ensure that inputs are provided to the monitoring officer in a comprehensive, clear and timely manner.

¹⁷⁷ The quarterly performance report is meant to be an informed assessment about the extent to which the program is tracking against aid criteria of effectiveness, efficiency and sustainability, as well as assessing the program's strategies and initiatives to advance gender equality. All AFP IDG missions are obliged to produce a detailed quarterly report.

Evaluation

As per whole-of-government uniform standards regarding the evaluation of overseas development assistance programs, PJSPV will be subject to a comprehensive independent mid-term evaluation (2015). The IDG D&E team will help oversee this process on behalf of the AFP. The evaluation will use the performance metrics and the data generated through monitoring as evidence and gauge how well the programs are working together. Personnel external and independent of the AFP and the managing contractor will conduct this review.¹⁷⁸

In accord with good practice, more than five percent of the budget has been dedicated to the M&E initiatives outlined above.

Performance Management

PJSPV is designed as a partnership with three end-of-program outcomes delivered between July 2014 and December 2016 that are mutually accountable to GoV and GoA. Component 1 provides both direct and indirect support to the progress of the JCSSS. Component 2 develops a number of capacities and capabilities that support the progress of the strategies and ultimately the vision and mission of the sector. Component 3 provides thematic support which is intended to progress issues related to victims, crime prevention, human rights, juvenile justice and access to justice in trialling approaches and providing data and evidence to decision-makers within the sector, especially those working to progress relevant strategies.

The program logic (Annex 12) is the basis for the performance measurement and management plan.

Outcomes

The end-of-program outcomes provide the specific changes for which GoV and GoA agree to partner and which will contribute to achieving the goals of the program. For the purposes of the performance measurement a framework will be devised based on the one originally provided for the draft design for SRBJ, although it is acknowledged this will need significant updating. The framework will use three types of performance assessment which are as follows:

Types of performance measures

Type 1: Regular quantitative and qualitative monitoring data from those activities that are directly managed by the ISP and the AFP.

Type 2: Performance questions in periodic appraisals carried out jointly by the ISP and the GoV, and the AFP which will include cross sectoral activities under Component 1 supported jointly by the staff of the MJCS and SRBJ, and VAPP and VPF as well as the thematic interventions under Component 3 which will be supported in collaboration with other key stakeholders; for example, GoV, VWC and WSB.

Type 3: Use of performance questions from scheduled and ad hoc evaluations for selected activities carried out jointly by ISP, VAPP and its key partners (e.g. GoV, VWC and WSB).

178 Australia is a member of OECD DAC and as per the committee's Principles for Evaluation of Development Assistance – 'the evaluation process should be impartial and independent from the process concerned with policy-making, and the delivery and management of development assistance.' Australia is peer reviewed by the committee each year and assessed against the indicator 'evaluations system is in line with DAC evaluation principles.'

Innovative and sensitive activities such as the pilots are appropriate for this specific evaluation, which will contribute to ongoing performance management decisions by SRBJ, VAPP and their respective PMGs.

Alignment with GoV and AAP systems

PJSPV M&E framework will align with GoV and AAP systems in the following way:

- **GoV** – the PMO requires annual reporting to the M&E Unit within the PMO on the achievement of the Business plans of agencies and the Ministry Corporate Plan. The timing of the PJSPV Annual Report will be such that it can feed into the reporting of the MJCS (primarily) and if possible also the agencies.
- **AAP** – is required to conduct a six monthly Contractor Performance Assessment (CPA). PJSPV six monthly progress report and annual report will be provided in time to support the CPA.¹⁷⁹ The management and process monitoring provided by the ISP will provide data that supports the eighteen assessment criteria of the CPA and complies with the Evaluation Capacity Building (ECB) Standards being used by AAP Vanuatu. The data performance and management systems will be aligned to the requirements of the Annual Thematic Performance Reviews (Law and Justice; Gender Equality and Women's Empowerment)¹⁸⁰ where relevant. Reporting will also include relevant headline results to support Tier 2 reporting under the AAP *Comprehensive Aid Policy Framework*.

What will the performance assessment framework measure?

The purpose of a performance assessment framework is to measure progress and results to inform management and present results. The M&E will focus on the following areas:

- **Monitoring management and process** – management monitoring will focus on measuring any variance from planned inputs (for example, budget expenditure, grant fund allocations and expenditure, expenditure of funds to partners, personnel inputs and activities). The data will be shared with the respective PMGs every quarter and formal reporting will occur every six months.
- **Monitoring progress** – Progress reporting will measure variance from planned outputs (timing, quality and quantity) and intermediate outcomes. This information will be collated six monthly together with the management and process data. Some of these for example will relate to the progress of sector strategies.
- **Evaluation of performance** – SRBJ will, in collaboration with MJCS and possibly other interested stakeholders conducting a process for the development of an appropriate baseline for both the program and the sector during the second half of 2014. This, together with a mix of indicators gathered through tracking of the strategies, perception surveys, re-assessments of capacity and case studies across the Components 1–3, as well as a repeat monitoring of the baseline in approximately five years, will provide evaluation of performance and impact.¹⁸¹

179 This assumes this is not too out of kilter with the annual reporting times for the GoV.

180 This maps ODA expenditure, and provides some headline statistics, quality and performance at a regional and country level and links with the justice sector.

181 However, this would be outside of the purview of Stage Two of SRBJ.

What tools will be used to measure performance?

PJSPV will measure qualitative and quantitative change with respect to the results of coordination, capacity development and partnerships between police, community, CSOs, NGOs and others. The following methods will be used:

- **Statistical data** – gathered from the sector. Improvement in coordination, case management and supporting IT systems will allow for more robust, consistent data to be collected by the sector which will provide some indicators of efficiency (mostly internal).
- **Document review** – documents prepared by SRBJ and VAPP, implementing partners, the GoV, AAP, UN organisations and other stakeholder agencies.
- **Semi-structured and individual interviews** – stakeholders will be consulted using semi structured and individual interviews, which will be developed during evaluation planning. Language appropriate individual interviews will be used with women and youth.
- **Focus groups** – will be considered for the community safety pilot in Blacksands and may be used in the child protection interventions.
- **Case studies** – will be considered for the Component 3 activities but not before 18 months from commencement of the pilots.
- **Longitudinal study** – will be considered for evaluation of the leadership interventions.
- **Analysis of common issues and risks from monitoring reports** – collation of issues identified in monitoring reports and capacity development assessments will enable SRBJ, VAPP and their respective PMGs to identify common issues that may be caused by systemic issues at agency or sector level that may be impacting at activity level (and require some additional diplomacy/dialogue).
- **Emerging themes and opportunities from monitoring** – collation of themes and capacity development work and research may identify common opportunities for change as part of continuous improvement at agency or sector levels.
- **Lessons learnt after the first 18 month work plan** – collations of lessons learnt from evaluations might allow identification of common issues and opportunities for change that may require realignment of the approach, or seizing an opportunity to seed or chase change.

The M&E Specialist, Monitoring Officer and the M&E Unit of the PMO will provide monitoring capacity development on an ongoing basis through the planning and reporting cycle of the MJCS and government sector agencies. Activities under Component 1 and 2 will provide some support for strengthening of the understanding and capacity for monitoring and information gathering, which will strengthen the currently patchy statistical data collected by GoV.

Formal on-going management reporting requirements

- The ISP provides **financial invoices (reimbursable and milestones), acquittals and reports** – to AAP monthly and in line with scheduled milestones.
- **SRBJ PMG meetings** are held monthly, **VAPP PMG meetings** are held quarterly.
- **Quarterly management and process reporting** – informally to PMGs as part of the meeting papers.
- **Six monthly and annual progress reports to AAP and the PMGs** – the timing of this reporting is to be aligned with GoV annual reporting requirements and AAP CPA and other

reporting (see paragraph on alignment above). The reports will comply with the ECB standards required for progress reporting.¹⁸²

- **Feedback to stakeholders and source of data** – SRBJ, MJCS will report feedback to the sources of original data including justice agencies, implementation partners and community through the MJCS sector wide communications strategy (Component 1).

Additional ISP reporting requirements

Reporting requirement under the ISP contract will include:

- **Stage Two–Inception Report** – to be prepared three months after the program commencement and if commenced as intended, this could become the first quarterly report. It would report on transition from Stage One to Stage Two, mobilisation of new activities and timing of the 18–month work plan and reporting to ensure alignment with GoV processes.
- **Updating of existing Operations Manual** – at the commencement of Stage Two the ISP will update the Operations Manual as needed (including administration, financial management, people management, procurement and other processes and systems required to manage program implementation and management, as well as strategies for gender inclusion, results management and communication).
- **Partnership Stage Two Performance Assessment Framework** – the performance assessment framework in the design will be updated and refined during the inception phases. It will be consistent with the requirements of Standard 2: Initiative M&E Systems of the ECB Standards.¹⁸³
- **Eighteen–month work plan** – the ISP will work with the VAPP, PMGs and stakeholder agencies to confirm and refine 18–month draft work plan. It may be possible to explore with stakeholders a proposal for a rolling work plan so that at any time PJSPV has an 18 month forward work plan which could be updated quarterly. The work plan will:
 - Set out activities proposed under each Component 1–3
 - Provide proposed budget allocations to the activities
 - Show how PJSPV will report against the performance assessment framework
 - Show how the program is monitoring and assessing key risks identified as risks in the risk management framework.
- **Six month and annual progress reports** will be provided consistent with the requirements of standard 3: Initiative Progress Reporting of the ECB standards.¹⁸⁴

Inclusiveness

The Governments of Australia and Vanuatu have made clear their commitment to empowering women and girls, improving gender equality and addressing violence against women. The commitments of the GoV are found in the highest national plan, the Priority Action Agenda (PAA) 2012 – 2016. The PAA seeks to accelerate development and coordinating efforts in two specific

182 DFAT IET and Pacific Branches Evaluation Capacity Building Program Monitoring and Evaluation Standards, 2014 version.

183 DFAT IET and Pacific Branches Evaluation Capacity Building Program Monitoring and Evaluation Standards, 2014 version

184 Ibid.

areas, namely a quota of 30 per cent women in Parliament, and mainstreaming of gender perspective into all Government policy processes.¹⁸⁵

PJSPV applies gender mainstreaming throughout its approach, in particular in Components 1 and 2, with specific activities targeted at women (for example, women in leadership development pathways) and one part of Component 3 that is directly targeted at improving the pathways to action for women experiencing family violence. SRBJ notes its intention to initiate discussion on a Gender Mainstreaming Strategy for PJSPV, consistent the Australian Government's *'Promoting opportunities for all: Gender equality and women's empowerment, Thematic strategy'*, prior to the commencement of Stage Two that provides a foundation for strengthened work in this area.

A particular focus of the VAPP program will be the empowerment of women within the VPF by:

- Supporting a senior female police officer as Facilitator of the JCSSS Crime and Impacts of Crime Working Group;
- Commissioning research exploring barriers to full professional participation of women in the VPF;
- Providing support for revised policies and processes that support women's professional participation in the VPF, particularly in operational and executive roles;
- Supporting the Police College to respond to barriers to female operational effectiveness with appropriate training for male and female officers;
- Supporting the participation of VPF women in leadership and professional development programs;
- Encouraging and promoting the participation of women in PICP–WAN activities; and
- Actively raising issues of violence and gender equity with the VPF executive and in public forums.

The VAPP program will also support women in the broader community by:

- Improving police sensitivity, responsiveness and support to female victims of crime;
- Promoting implementation of the Family Protection Act;
- Promoting greater, whole of community, engagement with the VPF;
- Improving police accountability and responsiveness to complaints against police through development of the PSU.

As a values-based organisation, the AFP supports accountable and transparent practices in the delivery of police development initiatives. The VAPP will model such practices by:

- Using procurement processes consistent with the Government of Australia's Commonwealth Procurement Rules;
- Using procurement procedures, consistent with international standards of honesty and probity;
- Encouraging the use of a merit based selection process within the VPF for recruitment, promotion and selection for training programs; and

¹⁸⁵ These commitments have most recently been reinforced in Australia's Delivery Strategy 2012–2022 for Pacific Women Shaping Pacific Development and, on the part Vanuatu, in a statement delivered by the Government to the Fifty-Seventh Session of the Commission on the Status of Women, 4–15 March 2013.

- Fostering and maintaining high levels of ethical behaviour in all VAPP initiatives.

In the delivery of police development initiatives, VAPP personnel model the values and actions embedded in:

- The AFP Commissioner's Orders;
- The AFP Strategic Plan 2012–2015;
- Mission Commander's Orders;
- The AFP Disability Action Plan 2012–2014; and
- The IDG Gender Strategy.

Risk and its Management

SRBJ and VAPP have each already developed risk and assessment treatment plans according to their own organisational requirements. A new PJSPV risk matrix (below) outlines a range of development and context risks; implementation risks and reputational/institutional risks; assesses their potential impact on EOPOs; and suggests mitigation measures. The risk matrix will be reviewed and revised as required.

PJSPV faces a number of interdependent risks that are best mitigated by mutual accountability, ownership and engagement in the interventions of PJSPV across a number of levels. This is of particular significance given the nature of policing and justice sectors and the importance of consensus for collaboration.

It is unlikely that Australian Aid for the sector will be phased out entirely post 2016, however, the GoA anticipates that the GoV will have an increased degree of responsibility for the management of the budget and for planning program activities going forward.

The key risks are set out in the Risk Matrix below.

Risk Matrix

L = Likelihood (5 = almost certain, 4 = likely, 3 = possible, 2 = unlikely, 1 = rare);
C = Consequences (5 = severe, 4 = major, 3 = moderate, 2 = minor, 1 =negligible);
R = Risk Level (5 = extreme, 4 = very high 3 = high, 2 = medium, 1 = low)

Risk	Impact on end-of-program outcomes	Mitigation measures	L	C	R	Responsibility
Developmental/context						
Fluidity of political environment	- Impact on Ministerial (PMO and MJCS) ownership of program, consistency of understanding and therefore engagement on the achievement of PJSP outcomes. - Impact of leadership of DGs and VPF Executive, and momentum for strengthening of VPF and MJCS	- Program remaining flexible and responsive to changes (nine different Ministers of Justice since 2012; VPF moved between MoA and PMO). Keep Ministers, and PMO informed of program. - Build leadership across the sector, and build cross sector mechanisms (HOAG, Task Force, Working Groups) so that they have sustainable governance oversight.	3	3–4	3	VAPP and SRBJ [Program] Coordinators (PCs) VPF Executive and Director–Generals (DGs), PMO and MJCS
Inadequate revenue generation and collection by GoV	- Sustainability of GoV support/take up for initiatives. - Sustainability of any scale up of initiatives.	Absorptive capacity monitored and activities balanced accordingly.	4	4	3	VPF MJCS MFEM
Inadequate budget allocation within the sector and government generally, small size of institutions	- Sustainability of GoV support/take up for initiatives. - Sustainability of any scale up of initiatives. - Absorptive capacity. - Substitution with the GoV knowing that there is operational budget support, and in particular for the VPF	- Harmonisation with donors and programs. - Support for VPF and MJCS with donor coordination and collaboration. - Absorptive capacity monitored and activities balanced accordingly. - Working with finance areas of VPF, MJCS and in partnership with MFEM	4	3	3	VPF, MJCS, MFEM Public Financial Management (PFM) Adviser; Support from PJSP re donor collaboration
Lack of access, awareness, trust for the formal justice system by	- Little demand for formal justice system. - Little media/public oversight / comment. - Does not serve the majority of the community.	- VFP and MJCS communications strategy and CD Framework to include awareness and legal literacy. - Greater information to be provided publically to provide more accountability	3	3	2	VPF, Professional Standards Unit (PSU) and Crime Prevention Unit;

community	Results in limited demand for accountability.	(incremental). Pilots to target mechanisms for increasing community demand for 'justice'.				MJCS & PJSP
Low formal status of women	- While some key women within the sector, generally little access to decision-making, politics, power. - Significant issue re gender based violence programming. - DWA has received no GoV operational budget since establishment.	- Pro-active inclusion of activities for women and youth - Support selection of women for CD opportunities. - Build capacity of women in pilot locations - Strengthen agencies capacity with respect to crime prevention, support of victims of crime, reducing violence against women and girls and responding appropriately to it. - Support gender mainstreaming in strategic planning. - Refine gender mainstreaming strategy.	5	4	4	VPF MJCS DWA PJSP and Advisers
Difficult, complex relationship between urban youth and police	Difficult and slow process of building trust between the two groups.	- Use a sensitive, iterative approach, guided by key ni-Vanuatu stakeholders. - Work in close collaboration with individuals and existing ni-Vanuatu organisations. - Don't assume simple transplant of international models work. - Start small – possibly just one community at a time (beginning with Blacksands pilot). - Be well informed and evidence based, given past attempts in this area.	5	3	4	PJSP Advisers and project officers VPF MJCS WSB NZ-PPP
Complicated relationship of interplay, mutual support and conflict between <i>kastom</i> , police and formal law	Often described as two separate systems of dispute resolution, but rather is intermixed and sometimes in conflict and sometimes mutually reinforcing so requires slow careful engagement to avoid undesired results.	- Use a sensitive, iterative approach, guided by key ni-Vanuatu stakeholders. - Work in close collaboration with ni-Vanuatu organisations, individuals. - Don't assume simple transplant of international models work. - Start small – possibly just one community at a time in the Blacksands pilot.	5	4	3	PJSP VWC WSB Advisers and project officers

		Be well informed and evidence based.				
Lack of voice of children and youth	Un-contextualised and inappropriate programming.	Mainstream inclusion of voice of children and youth across all appropriate initiatives	5	3	3	PJSP Advisers and project officers; and partner organisations
Implementation						
Heavy reliance on leadership of VPF Executive and DG Justice	Risk of less leadership should there be a change of Commissioner and/or DG Justice.	Build leadership within the sector at several levels, build cross sector mechanisms (HOAG, Task Force, Working Groups).	4	3	4	PJSP CD
Weak financial management and internal audit capacity in the VPF and MJCS	- Financial maladministration/mismanagement (rather than fraud). - Slow uptake of financial management responsibility for program funds.	- Provide support for the implementation of the PFM assessment recommendations in the most sustainable way possible. - Work with counterparts wherever possible for PJSP financial management. - Provide targeted CD in this area. - Strengthen monitoring. - Active implementation of anti-corruption policy. - Activities enhance accountability and transparency. - Engage Auditor General to establish a program for external audit of police and justice agencies. - Require CSOs/NGOs to be externally audited annually.	4	3	3	PFM Adviser CD VPF MJCS
Lack of coordination of some agency heads	Limits the potential impact and reach of the cross sector work.	- Flexible and responsive to modes of possible engagement. - Maintenance of continuing dialogue and consultation with those heads who are not collaborating equally in cross sector work.	4	3	3	PCs Contract Manager (CM) CD VPF, MPO and MJCS

Police reluctant to engage with community on community safety and in DV training and support strategies	- Limits the strength of the community engagement pilot and any possible scale up. - Reduces the effectiveness of domestic violence responsiveness and reduction strategies.	- Use a sensitive, iterative approach, guided by key ni-Vanuatu stakeholders. - Work in close collaboration with ni-Vanuatu organisations, individuals. - Don't assume simple transplant of international models work. - Start small – possibly just one community at a time in the Blacksands pilot. - Be well informed and evidence based. - Select appropriate police for the Blacksands pilot.	3	3	3	PJSP, Advisers and project staff, PPP
Weak sustained stamina for collaboration and cross sector work, activities take too long to have any wins/start to implement	- Limits the achievement of the cross sector activities, and the resulting gains in momentum. - More difficult to maintain engagement.	- Cross sector work will be supported jointly by PJSP and MJCS in terms of secretariat functions. - PJSP and MJCS (new PJSP-funded positions) support the facilitation and progress of action of working groups. - Working groups will have access to specific CD opportunities to support their work. - Encourage consideration of activities that might provide some immediate benefits to support momentum. - Remember to celebrate achievements.	3	3	4	PC CD MJCS VPF
Lack of support and engagement by agencies across the sector	Activities and outputs delayed meaning that outcomes unlikely to be met	- Regular meetings on progress against targets - Regular communication with sector agency counterparts and leaders	3	4	3	VAPP and SRBJ [Program] Coordinators (PCs) Advisers and Project staff
GoV does not take over MJCS positions and financial commitment to strengthened	Sustainability of corporate services, facilitative and secretariat role of MJCS is threatened.	- MJCS to seek a modest increase in staff. - Partnership to fund two positions, for maximum period of the Stage 2. - MJCS to make regular evidence-based submissions to PSC and budget for incremental support of those positions.	4	3	3	MJCS PSC PJSP support

role of MJCS						
Judiciary reluctant to collaborate to any extent with the sector	- Limits the capacity of the remainder of the sector to fulfil its sector strategies. - Judiciary out of sync with executive justice agencies.	- Provide flexible support to collaboration with the judiciary in whatever forms it sees as most appropriate. - Support to Federal Court of Australia MOU may provide additional basis for collaboration with sector and MJCS. - Case and Data Management Adviser work in late 2013 may be another basis for strengthened collaboration.	4	4	4	PJSP MJCS Case and Data Management Adviser
Institutional / reputational						
Unwarranted political accusations of advisers/program	Impacts on reputation of program and donor.	- Commence implementation of a communication strategy to minimise capacity to make false accusations. - Monitor political sensitivities.	3	3	4	PJSP communications strategy
Unaccountable behaviour, corruption, fraud or child protection issues in implementation of PJSP	- Program seen as unaccountable. - AAP's capacity to manage public funds is questioned. - Impact on child and families. - Corrupt interference in the operations of PJSP.	- Review fraud policy. - Ensure awareness of fraud policy with any funds recipients. - Strict enforcement of child protection policy with all partners. - Consider including Social Audit elements (UNDP) as an external accountability measure. Sector would need to publish its expenditure/results for specific projects – could be on a board somewhere or on website.	2	5	4	PJSP VPF MJCS WSB VWC

Response to PFM assessment and fiduciary risk

To maximise use of PGS in Vanuatu, AAP requires an Assessment of National Systems (ANS), followed by a more detailed sector assessment. The more detailed sector assessment was carried out of the VPF and the MJCS in May 2013. The design has responded to the recommendations emerging from the assessments with the inclusion of the PFM Adviser position. The PFM Adviser will work across the Corporate Services Unit of the VPF and with the Corporate Hub team at MJCS. The ISP is likely to continue to manage the fiduciary risk for the duration of the PJSPV; however, this will be re-assessed at the end of Year 1 of PJSPV when the following may be considered in partnership with VPF and MJCS:

- (a) Strengthened internal audit capacity, which is demonstrated through an agreed milestone.
- (b) Strengthened capacity for financial acquittal and reporting demonstrated through an agreed milestone.
- (c) A joint review mechanism to monitor PFM of GoA funds by GoV.