

Stretem Rod blong Jastis mo Sefti (SRBJS)
Vanuatu-Australia Policing and Justice Program
2017-2020
Program Design Document

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EXECUTIVE SUMMARY

This document describes the design of *Stretem Rod blong Jastis mo Sefti* (SRBJS), which is proposed to run for four years, from 1 January 2017 until 31 December 2020. Through SRBJS, or Vanuatu-Australia Policing and Justice Program (as the program is called in English), the Government of Australia (GoA) will provide support for improved policing, justice and community services in Vanuatu. The design of SRBJS continues and builds on an existing GoA investment — the Policing and Justice Support Program Vanuatu (PJSPV) which is scheduled to finish on 31 December 2016. PJSPV resulted from an extensive design process in 2014 and has been found to be progressing well in almost all aspects of the program. As such, this design does not substantially change the current shape or form of PJSPV.

PJSPV, which commenced on 1 July 2014, is a blend of justice, community services and policing support working principally at the agency level on a set of practical service delivery issues, primarily related to women, children and youth. The program is implemented jointly by the Australian Federal Police (AFP), providing expert policing advice to the Vanuatu Police Force (VPF), and a managing contractor. In addition to having joint responsibility for technical inputs, the managing contractor is responsible for whole of program administration. The program works closely and collaboratively under the direction and oversight of Australia's Department of Foreign Affairs and Trade (DFAT). This arrangement will continue in SRBJS.

The SRBJS design is aligned with the Government of Vanuatu's (GoV) planning and reform agenda, as articulated through the Priority Action Agenda 2006–2015 (PAA) (to be replaced by the National Sustainable Development Plan (NSDP), currently being developed), Planning Long Acting Short 2013–2016 (PLAS), the Justice and Community Services Sector Strategy (JCSSS), and Vanuatu Police Force Strategic Plan. Through an emphasis on service delivery, the program aligns Australian assistance with Vanuatu's own priorities and resources.

The goal of the program is *Stretem rod blong jastis mo sefti long Vanuatu*. In English, this very loosely translates to improved policing, justice and community services in Vanuatu.¹ The goal is adapted from the vision for the sector as set out in the JCSSS: *Jastis, sefti, digniti, rispek mo gud fasin blong evriwan*.² The work of SRBJS will contribute to the goal in modest but concrete ways.

SRBJS will work to help Vanuatu achieve this goal by focusing on the following areas for support:

- strengthening the service delivery capacity of policing, justice and community services institutions (for improved service delivery to women, children and youth);
- improving people's access to justice, with an emphasis on access to justice for survivors of violence against women and children; and
- enhancing service delivery for vulnerable and at risk-groups, particularly women and children survivors of violence and neglect, youth in conflict with the law, and persons with disabilities.

The context to which the program responds is complex and multifaceted, covering a number of diverse actors including state policing, justice and community services agencies as well as non-state actors (for example, churches and chiefly structures), civil society organisations, and the people of Vanuatu (as end-users or service recipients). SRBJS seeks to respond to development challenges facing the sector including limited access to justice, particularly for women, children and youth in remote and peri-urban

¹ The literal translation of *Stretem Rod Blong Jastis mo Sefti long Vanuatu* is a straight road to justice and safety in Vanuatu. Justice is understood in its broadest sense, accounting for local, contextualised conceptions of the term.

² Justice, safety, dignity, respect and a good way for everyone.

areas; high levels of violence against women and children; limited community confidence in the effectiveness of justice institutions and the police; and increasing numbers of youth coming into conflict with the law.

These challenges cannot be addressed by focusing only on building institutional capacity. They require thinking creatively about how to promote change so that the users of these institutions — the community of Vanuatu — experience a real difference in how these institutions operate. So SRBJS will involve a stronger focus on working across the interface between the state policing, justice and community services sector and the non-state justice system. The program will put more emphasis on what happens at the community level, including the impact on and experiences of end-users of both the state and non-state systems.

The main ways in which SRBJS refines PJSPV include an increased focus on service delivery to targeted provincial centres; increased support for more effective handling of cases involving violence against women and children; planned support for legal awareness and outreach activities; increased support for the Judiciary in consultation with the Chief Justice; and planned support for law reform.

Approximately 5.5 million AUD per year for four years has been allocated to SRBJS.

ACRONYMS

AAP	Australian Aid Program, Department of Foreign Affairs and Trade
AFP	Australian Federal Police
ARF	Adviser Remuneration Framework
CAVAW	Committee Against Violence Against Women
CD&LA	Capacity Development and Leadership Adviser
CSO	Civil Society Organisation
CLMO	Customary Land Management Office
CSU	Corporate Services Unit, Vanuatu Police Force
DAC	Development Assistance Committee
DCS	Department of Correctional Services
DFAT	Australian Department of Foreign Affairs and Trade
DWA	Department of Women's Affairs
EPO	End of Program Outcome
FPA	Family Protection Act
FPU	Family Protection Unit
GoA	Government of Australia
GoNZ	Government of New Zealand
GoV	Government of Vanuatu
HOAG	Heads of Agency Group
HRM	Human Resource Management
ICES	Investigations, Community Engagement, and Systems & Processes
ICT	Information and communication technology
IDG	International Deployment Group, Australian Federal Police
IO	Intermediate outcome
JCSSS	Justice and Community Services Sector Strategy
JSC	Judicial Services Commission
M&E	Monitoring and Evaluation
MFEM	Ministry of Finance and Economic Management
MJCS	Ministry of Justice and Community Services
MNCC	<i>Malvatumauri</i> National Council of Chiefs
MoIA	Ministry of Internal Affairs
NGO	Non–Government Organisations
NSDP	National Sustainable Development Plan
NZ3P	NZ Partnership for Pacific Policing Programme
NZ MFAT	New Zealand Ministry of Foreign Affairs and Trade
OECD	Organisation for Economic Co–operation and Development
OPP	Office of the Public Prosecutor
PAA	Priority Action Agenda
PFM	Public Financial Management
PICP	Pacific Islands Chiefs of Police
PIMS	Police Information Management System

PJSPV	Policing and Justice Support Program (Vanuatu)
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
PPP/3P	Pacific Policing Program
PSO	Public Solicitor's Office
PSU	Professional Standards Unit
RRRT	Regional Rights Resource Team
SLO	State Law Office
SPD	State Prosecutions Department
SRBJ	Stretem Rod Blong Jastis Program
UIB	Uniform Investigations Branch, Vanuatu Police Force
UNICEF	United Nations Children's Fund
UNWomen	United Nations Entity for Gender Equality and the Empowerment of Women
USP	University of the South Pacific
VAPP	Vanuatu Australia Police Project
VLC	Vanuatu Law Commission
VLJP	Vanuatu Law and Justice Partnership
VLSSP	Vanuatu Legal Sector Strengthening Program
VPF	Vanuatu Police Force
VWC	Vanuatu Women's Centre
WSB	Wan Smolbag

1. ABOUT THIS DOCUMENT

1.1 Contents and Structure

This document describes the design of *Stretem Rod blong Jastis mo Sefti* (SRBJS), which is proposed to run for four years, from 1 January 2017 until 31 December 2020, with the possibility of a further four years subject to the outcome of a review. Through SRBJS, or Vanuatu-Australia Policing and Justice Program (as the program is called in English), the Government of Australia (GoA) will provide support for improved policing, justice and community services in Vanuatu. The SRBJS design continues and builds on an existing GoA investment — the Policing and Justice Support Program Vanuatu (PJSPV) which is scheduled to finish on 31 December 2016. PJSPV resulted from an extensive design process in 2014 and has been found to be progressing well in almost all aspects of the program.³ As such, this design does not substantially change the current shape or form of PJSPV. This document, therefore, should be read in conjunction with the PJSPV design document (2014 - 2016).⁴

PJSPV, which commenced on 1 July 2014, is a blend of justice, community services and policing support working principally at the agency level on practical service delivery issues, primarily related to women, children and youth. The program is implemented jointly by the Australian Federal Police (AFP), providing expert policing advice to the Vanuatu Police Force (VPF), and a managing contractor. In addition to having joint responsibility for technical inputs, the managing contractor is responsible for whole of program administration. The program works closely and collaboratively under the direction and oversight of Australia's Department of Foreign Affairs and Trade (DFAT). This arrangement will continue in SRBJS.

The SRBJS design is aligned with the Government of Vanuatu's (GoV) planning and reform agenda, as articulated through the Priority Action Agenda 2006–2015 (PAA) (to be replaced by the National Sustainable Development Plan (NSDP), currently being developed), Planning Long Acting Short 2013–2016 (PLAS), the Justice and Community Services Sector Strategy (JCSSS), and Vanuatu Police Force (VPF) Strategic Plan.⁵ This document describes the ways in which Australian assistance aims to support Vanuatu's stated priorities.

This design promotes flexibility and responsiveness in Australian assistance. The SRBJS approach is incremental and iterative rather than comprehensive, adopting flexible and locally appropriate solutions, while maintaining clear programmatic outcomes. Focusing on issues for which there are local constituencies for change, the program will remain responsive and support relationships and activities where traction for doing so exists. This document has been written to reflect this approach.

³ James McGovern, 'Independent Review of Vanuatu Policing and Justice Support Program' (2016).

⁴ DFAT and AFP, 'Policing and Justice Support Program (Vanuatu) (PJSPV) Program Design' (Department of Foreign Affairs and Trade and Australian Federal Police, 2014). This design document also draws on DFAT, 'Stretem Rod Blong Jastis Program Design Document' (Department of Foreign Affairs and Trade, 2013).

⁵ VPF, 'Vanuatu Police Force Strategic Plan 2016 - 2020' (Vanuatu Police Force, 2015); MJCS, 'Strategy for the Justice and Community Services Sector: 2014-2017' (Ministry of Justice and Community Services, 2013). The NSDP is currently pending approval and will replace the PAA.

The document is divided into four substantive sections. Following this introductory section, section 2 sets out the background and context for SRBJS — it provides a rationale for Australian assistance. Section 3 describes SRBJS, what it seeks to accomplish, and how it will do so. Section 4 explains the implementation arrangements for the program, including resource allocation and measurement of progress. The annexes provide detail for the body of the document.

1.2 Design Preparation Methodology

Prior to the design process commencing, DFAT, AFP and GoV representatives agreed that an extensive re-design of the program would not be required (given the extensive design process in 2014 and program performance). Instead, DFAT, AFP and GoV opted to refine the existing PJSPV design. A design team was engaged for this purpose consisting of DFAT and AFP representatives and an independent consultant. The design methodology included a review of program documents, evaluations and research reports; an in-country mission to collect, analyse and verify information through consultations in Vanuatu; and preparation of the design document, in line with DFAT design requirements, as the basis of the program.

The in-country mission involved interviews, facilitated discussions, collecting data and making observations. Consultations were held with PJSPV partners: GoV officials, the VPF, Judiciary, sector agencies, statutory and constitutional bodies including Ministry of Justice and Community Services (MJCS) and Ministry of Internal Affairs (MoIA), together with DFAT, AFP, the managing contractor, PJSPV advisers, civil society, and other donors working in the sector.

The design refinement followed a DFAT-commissioned independent review of the program such that the recommendations from that review have been considered and incorporated in the new design.⁶ Also, the design team was asked to refine the design to reflect program and sector progress, and increase the program's focus on delivering better services to women, children and youth, including in targeted provincial locations.

The scope of the design included updating the rationale for Australian assistance; rearticulating end of program outcomes; seeking improvements to the modality (administration, reporting and financing); recommending how and where the program could increase its focus on service delivery; analysis and integration of policy issues including gender equality, anti-corruption, child protection and in particular, disability-inclusive development; updating the risk management strategy; and recommending indicative personnel and other inputs.

⁶ McGovern, above n 3.

2. STRATEGIC CONTEXT AND RATIONALE FOR AUSTRALIAN SUPPORT

2.1 Policy Context

(i) Vanuatu Policy Context

GoV has articulated its goal for the Justice and Community Services Sector (JCSS) as *jastis, sefti, digniti, rispek mo gud fasin blong evriwan*.⁷ The JCSSS directs sector agencies to work together on eight cross-cutting, priority issues, all of which are reflected in the design.⁸ These issues are:

- Customary disputes
- Infrastructure
- Victim Support
- Case Progression
- Juvenile Justice
- Human Rights
- Victim Support
- Access to Justice

At a macro level, GoV's Priority Action Agenda includes a focus on 'providing stable institutions including a strengthened legal sector, judiciary, law enforcement... a strengthened formal welfare system and linkages with traditional social protection especially for women, children and people living with a disability; and promoting gender equality'.⁹ SRBJS assistance aligns closely with this focus. Once finalised, the program will also work to ensure alignment with the NSDP.

SRBJS assistance to the VPF has been designed to align with the VPF Strategic Plan 2016-2020. The three themes of Governance, Safety and Security, and Partnerships will guide program support. Goals 1.5 and 2.1.4 have particular relevance for SRBJS's emphasis on gender equality and support for vulnerable groups: Goal 1.5 relates to enhanced professional participation of women in the VPF; Goal 2.1.4 seeks to strengthen the focus of the VPF on gender-based and domestic violence, and protection of vulnerable groups. Vanuatu's National Gender Equality Policy 2015-2019 also prioritises reducing domestic and gender-based violence and promoting women's leadership.

(ii) Australia Policy Context

This design takes place within the context of a number of GoA policy documents.

- i. The Australian Government development policy, *Australian Aid: Promoting Prosperity, Reducing Poverty, Enhancing Stability*.¹⁰ This proposes that Australia should leverage and catalyse positive changes in developing countries through support for sustainable economic growth and development of human resources. The policy includes two priority areas central to this design:
 - Effective Governance recognising the fundamental role of law and order and access to justice in achieving development outcomes
 - Gender equality and empowering women and girls

⁷ Justice, safety, dignity, respect and a good way for everyone.

⁸ MJCS, above n 5. 'Access to Justice' was subsequently removed as a separate cross-cutting issue by the Heads of Agencies Group (HOAG) at its meeting of 30 September 2015. It is instead now considered the outcome of the progress of the other seven issues.

⁹ A National Strategic Development Plan is currently being finalised which will replace the PAA.

¹⁰ DFAT, 'Australian Aid: Promoting Prosperity, Reducing Poverty, Enhancing Stability' (Department of Foreign Affairs and Trade, 2014).

- ii. Australia's *Aid Investment Plan for Vanuatu* which outlines four strategic objectives.¹¹ Objective three focuses on improving community safety and resilience through a focus on legal and justice institutions with emphasis on justice for women, children and youth
- iii. DFAT's *Gender Equality and Women's Empowerment Strategy* which contains a focus on violence against women and enhancing women's voice in decision-making, leadership and peace-building¹²
- iv. DFAT's *Effective Governance Strategy* which provides a framework for Australia's assistance in justice and anti-corruption¹³
- v. The AFP Pacific Strategy which positions AFP capacity development support as a key focus of AFP work in the Pacific
- vi. DFAT's *Development for All 2015-2020: Strategy for strengthening disability-inclusive development in Australia's aid program which promotes disability-inclusive development*¹⁴

2.2 Australian Assistance to Date

GoA has been providing support to Vanuatu's law and justice sector since 2000. In the past this has been through separate programs of support to the VPF, MJCS and public law offices. In 2012, GoA funded two programs in the Vanuatu law and justice sector: the Vanuatu Australia Police Project (VAPP), implemented by the Australian Federal Police (AFP), and the Vanuatu Law and Justice Partnership Program, also known as *Stretem Rod Blong Jastis* (SRBJ), implemented by a managing contractor. Both programs were working to separate program outcomes and there was minimal collaboration between the two. The PJSPV design of 2014 combined VAPP and SRBJ. This was done to create efficiencies and ensure Australian support to the sector had shared outcomes.

PJSPV aimed to provide:

- Support for greater coordination, collaboration and communication across the law, justice and policing sector
- Organisational and capacity development for the whole of sector
- A series of inclusive, community based pilots, focussing on protecting children, women experiencing violence and youth in conflict with the law

There has been progress in each of these areas.

The bilateral relationship between GoV and GoA with respect to development aid has, at times, been sensitive and those sensitivities have intermittently been focussed on the law and justice sector. In May 2011, an Australian aid-funded legal adviser to the State Law Office (SLO) was expelled; on 10 May 2012, AFP advisers were expelled; and there was criticism in the media of the motivation for Australian aid funding for a land program (now completed). This relationship was also affected by internal divisions in the VPF, which at one time saw a large number of officers suspended from duty. The program needs to be mindful of potential sensitivities in its approach. The low-key, incremental

¹¹ DFAT, 'Aid Investment Plan Vanuatu: 2015-16 to 2018-19' (Department of Foreign Affairs and Trade, 2015).

¹² DFAT, 'Gender Equality and Women's Empowerment Strategy' (Department of Foreign Affairs and Trade, 2016).

¹³ DFAT, 'Effective Governance: Strategy for Australia's aid investments' (Department of Foreign Affairs and Trade, 2015).

¹⁴ DFAT, 'Development for All 2015-2020' (Department of Foreign Affairs and Trade, 2015).

approach taken through two phases of support have built strong relationships and a solid foundation from which to continue.

2.3 Sector Description and Analysis

(i) Description of the Sector

The policing, justice and community service sector is characterised by diversity. In Vanuatu, no sector has such a wide scope of related service delivery areas, nor such a complex grouping of independent arms of government, constitutional, statutory, line agencies and non-government bodies, some of which report to either different ministries for line management or budgetary purposes.¹⁵ The sector is comprised of the following institutions:

MAIN DELIVERY ARMS
Vanuatu Police Force (VPF)
Ministry of Internal Affairs (MoIA)
Ministerial Portfolio (Justice and Community Services)
Ministry of Justice and Community Services (MJCS)
Department of Correctional Services (DCS)
Department of Women's Affairs (DWA)
Child Desk
Disability Desk
CONSTITUTIONAL BODIES
Judiciary
Office of the Public Prosecutor (OPP)
Public Solicitor's Office (PSO)
Malvatumauri National Council of Chiefs
STATUTORY BODIES
Vanuatu Law Commission (VLC)
Customary Land Management Office (CLMO)
Office of the Land Ombudsman
OTHER SECTOR INSTITUTIONS
State Law Office (SLO)
State Prosecution's Department (SPD)

In addition to the state policing, justice and community services sector agencies, non-governmental organisations play an important role in delivering services. There are also non-state actors, for example, chiefs and religious leaders that play a significant role in delivering justice (in the broad sense of the term) locally.

*A note on terminology: in this document the word 'state', rather than 'formal', is used to describe government agencies and institutions. While the terms could be used interchangeably, 'state' is used throughout the document for consistency. Likewise, 'non-state' is used instead of 'informal' to describe actors such as chiefs, churches, religious leaders and other community structures. This terminology is preferred also because the language of 'formal' and 'informal' evokes a kind of

¹⁵ MJCS, above n 5.

hierarchy and suggests a lack of organisation, or structure, of non-state institutions and actors, which is not reflective of the reality.¹⁶

(ii) Sector and Context Analysis

Key development challenges identified for the sector include:

- Limited access to justice for many people, particularly for women, children and youth in remote and peri-urban areas
- High levels of violence against women and children and non-responsiveness of the policing and justice system
- High levels of abuse and neglect of children
- Increasing numbers of youth coming into conflict with the law who are often responded to in inconsistent and/or unregulated ways as well as the impact of weak diversionary and rehabilitative opportunities
- Limited community confidence in the effectiveness of the VPF and justice institutions
- There is currently no law society to fulfil the role of regulating the legal profession or providing continuing legal education
- Limited and ad hoc collaboration between stakeholders within the sector, both government and non-government, which has an impact on service delivery in a resource constrained environment
- 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, reflecting a competitive resource environment, limited GoV base revenue available for allocation to the sector, and the relative position of the sector in GoV development priorities
- High-level (political) corruption that impacts on access to justice¹⁷

The following analysis expands on some of these points and also introduces some additional challenges as well as opportunities for the sector:

Service delivery capacity of sector institutions requires strengthening: Capacity limitations hinder the effective functioning of the sector. Certainly technical legal and policing skills are improving, for example, in PSO the overall quality of legal representation has improved due to enhanced skills of PSO lawyers.¹⁸ This is demonstrated by the following: from January to early December 2015, the office represented 253 criminal clients and provided advice and representation to 513 civil clients.

¹⁶ For further discussion on this point see Brian Z Tamanaha, Caroline Sage and Michael Woolcock, *Legal pluralism and development: scholars and practitioners in dialogue* (Cambridge University Press, 2012).

¹⁷ In 2015, 15 MPs were convicted of bribery and corruption, and charges against the leadership code. 14 of the former MPs were given jail sentences, putting a focus on the sector and the Judiciary.

¹⁸ For example, PSO lawyers now routinely conduct voir dres in Supreme Court criminal trials to challenge the admissibility of confessions obtained by police. Also, at least three successful 'fitness to plead' applications have been made in the Supreme Court. By comparison, in 2012 (when the current PJSPV PSO Adviser commenced their support to PSO), lawyers did not have knowledge of/were not following these criminal procedures.

One third of civil clients were female. By comparison, in 2014, the office represented 221 criminal clients and 466 civil clients. Only one quarter of civil clients in 2014 were female. This shows that in 2015 the PSO improved service delivery by helping more needy people and more women.¹⁹

However, the pool of expertise across the sector remains shallow. In particular, the limited ability of the public sector to retain lawyers undermines capacity development gains. Also, most magistrates are new graduates and so being relatively inexperienced have gaps in their legal knowledge. Yet the judiciary should consist of the best lawyers in Vanuatu, those with superior and proven judgment skills and many years of professional experience.

Further, there is generally weak financial and human resource management capacity, though this is improving in some agencies. Also, despite recent gains, coordinated case and data management remains in need of continued support. In sum, the service delivery capacity of sector agencies requires further strengthening. Weak capacity for service delivery risks resulting in low community confidence in the sector, an issue the VPF highlighted in the Strategic Plan: only 26% of adults have confidence in the VPF, while 40% are dissatisfied and 17% very dissatisfied.²⁰

Fluid and highly fragmented political system: Vanuatu politics is marked by loose, fragile and shifting coalitions, which has led to frequent changes of government (22 since independence in 1980). There have been frequent changes in leadership across the sector, with 14 Ministers of Justice and Community Services and eight changes in Police Commissioner/Acting Police Commissioner since 2012. This instability impacts on the sector through a lack of sustained leadership and vision.

Widely dispersed population, limited reach of the state outside the capital: 70% of Vanuatu's population lives in rural areas across 65 of the country's more than 80 islands. An AusAID-commissioned study found that:

The most obvious unfinished element of the statebuilding project in Vanuatu is the limited reach of the state outside the capital. Apart from primary schools and first aid posts, most ni-Vanuatu have little contact with the state. The six provincial governments are under-resourced and largely unable to deliver services outside the provincial headquarters. There is little coordination between the provincial administrations and central government departments. The 63 Area Councils, the lowest formal level of government, have only a single employee each, and are active mainly in tax collection. The provincial structure is commonly seen as artificial and ineffective.²¹

This reality poses a particular challenge for the delivery of policing, justice and community services. There have, however, been some small but significant advances in how GoV provides resources and support to provincial offices. For example, GoV's Financial Service Bureaus provide an avenue for distribution of funds to provincial locations. They could be an enabler for improved delivery of policing, justice and community services to provincial locations if they were used by sector agencies.

Limited access to justice: Access to state policing and justice services is limited in all provincial locations, and particularly for vulnerable groups. Geographic remoteness, the high cost of service

¹⁹ PJSPV, 'Monitoring and Evaluation (M&E) Update Report January – June 2016' (2015) 69-70.

²⁰ VPF, above n 5.

²¹ Marcus Cox et al, *The unfinished state: drivers of change in Vanuatu* (Australian Agency for International Development, 2007) xi.

delivery combined with low levels of funding to sector agencies, and weak service delivery capacity of sector agencies impact on the effectiveness and efficiency of service delivery. This is not to say that no services are provided: despite these challenges, many individuals are finding creative ways to deliver services. For example, in Tanna a VPF Family Protection Unit officer works out of the Vanuatu Women's Centre (VWC) after Cyclone Pam damaged police facilities; in Malekula a VPF officer is using trusted non-state networks to deliver summonses to isolated areas; and in Santo VPF Crime Prevention officers are partnering with civil society organisations, other donor funded programs and GoV departments to deliver community awareness sessions to outer islands.

Women face additional barriers to accessing justice. Lack of knowledge of their rights or of the justice system, dependence on male relatives for resources, and the threat of sanction or stigma are some of the social barriers that women face in accessing justice. A proxy indicator of this is the formally reported incidence of rape and gender based violence (thought to be as little as 2%),²² compared with the reported incidence in the National Survey conducted by VWC and the National Statistics Office (NSO). This Survey found that 60% of women have experienced sexual or physical violence at the hands of male partners or husbands.²³

High levels of violence against women and children (including sexual violence) and limited implementation of the *Family Protection Act 2008*: The above-mentioned National Survey found that close to 30% of women have been sexually abused before the age of 15 — the majority of perpetrators male family members and boyfriends.²⁴ Also, an AusAID study found that 'violence against women is severe and pervasive in Melanesia' and a 'major barrier to development'.²⁵

Rural women experience more of every type of violence than urban women in Vanuatu. The above-mentioned VWC study identified Malampa and Sanma as the two provinces with the highest prevalence of violence. In Malampa, as many as 75% of women experience physical and/or sexual violence and 80% experience emotional violence. Of this percentage figure, 90% of women experienced severe violence (being punched, kicked, dragged or beaten repeatedly, choked, burned or hit with a weapon such as a piece of wood, iron bar, knife or axe).²⁶ In 2011, DCS identified that 70% of offences in Vanuatu are of a serious sexual nature, with 70% of these offences committed against victims aged between 11 and 16.²⁷

While Vanuatu led the Pacific in introducing stand-alone legislation on family violence through the *Family Protection Act 2008* (FPA), it has not been adequately implemented or enforced. Despite the existence of legislation that criminalises domestic violence, most cases of domestic violence are

²² Leisha Lister, Indira Rosenthal and Cate Sumner, 'Women and Children's Access to the Formal Justice System in Vanuatu' (UN Women, 2016).

²³ VWC, 'Vanuatu National Survey on Women's Lives and Family Relationships' (Vanuatu Women's Centre in partnership with the National Statistics Office, 2011).

²⁴ Ibid.

²⁵ AusAID, 'Violence Against Women in Melanesia and East Timor: Building on Global and Regional Promising Approaches' (Australian Agency for International Development, 2008) vii.

²⁶ VWC, above n 23.

²⁷ DCS, 'Sexual Offenders: An Analysis of 50 Offenders and Their Offences' (Department of Corrections, 2011).

addressed through *kastom* at the community level, if at all. Empirical research has found that very few cases of violence against women are brought through the state justice system.²⁸

***Kastom* is the first resort legal system for most people in Vanuatu:** *Kastom* and chiefs have a major role in community governance and dispute resolution, and in the delivery of justice for most people. While improvements in state policing and justice are evident and ongoing, the reach of the state is limited. And even where the state system is available, in many cases and particularly outside of urban centres, people choose *kastom* as their first point of access to justice.²⁹ Yet *kastom*, especially in its response to domestic violence, can be at odds with the law and human rights.³⁰

Strengths, weaknesses and interactions of the state and non-state justice systems have been described as follows:

- The *kastom* system manages a large proportion of disputes
- There is community support for the *kastom* system,³¹ though if state justice were available it would be used more and in some instances is believed to be more appropriate than *kastom*, for example, in land matters and for rape and incest³²
- The *kastom* system (like the state system) faces significant challenges in enforcing decisions
- The *kastom* system focus on ‘achieving community peace and harmony’ can result in the rights of victims being neglected and accordingly, is inappropriate for particular cases³³
- The *kastom* system has problems of chiefly bias, unenergetic chiefs, discrimination against women and children, and chiefly disputes. These challenges affect the quality of justice
- Some chiefs are becoming increasingly frustrated by the demands the state places on them regarding maintenance of law and order in their communities and the denial of any sort of state power to aid or assist them in carrying out their functions³⁴
- There is support and strong demand for the state system and recognition of its legitimacy and that it has an important role to play, but frustration at its inadequacies³⁵
- There is a need and demand for sector agencies to provide guidance and assistance to non-state justice actors in communities³⁶

This analysis is instructive for Australian assistance and serves as a rationale for SRBJS support. In particular, evidence of community support and demand for increased access to the state policing and justice system provides a hook for program support to expand its reach to targeted locations.

Women remain under-represented in policing and justice professions and there are substantial barriers to their professional participation: There are a number of barriers to women’s professional

²⁸ See, eg, Heidi Tyedmers, 'Access to Justice, Pathways to Action for Women Experiencing Family Violence' (2013); Lister, Rosenthal and Sumner, above n 22.

²⁹ Tyedmers, above n 28.

³⁰ For a more detailed discussion on this point see DFAT, above n 5.

³¹ Miranda Forsyth, *A Bird that Flies with Two Wings: the Kastom and State Justice Systems in Vanuatu* (Doctor of Philosophy Thesis, Australian National University, 2007).

³² PJSPV research described below in section 3.1.

³³ Forsyth, above n 182

³⁴ 368.

³⁵ PJSPV research described below in section 3.1, above n 32.

³⁶ Ibid.

participation at all levels in the sector. An independent evaluation of PJSPV's support for enhanced professional participation of women in the VPF highlighted perceptions of significant, systemic obstacles: few promotions, minimal leadership or decision-making roles, unequal access to training, kastom/culture, the discriminatory mentality of some male counterparts, harassment, and low confidence.³⁷

Substantial challenges facing the VPF relating to management and administration: The VPF Strategic Plan 2016-2020 provides a frank assessment of administrative challenges facing the VPF including inadequate budget (even to pay for essential operations) and poor financial and human resource management (including workforce planning). (These are in addition to some of the operational challenges such as addressing violence against women and children.)

The VPF Corporate Services Unit (CSU) is weak and requires ongoing support. CSU should function as the financial and administrative heart of the VPF — it is the engine room for service delivery. An ineffective CSU impinges upon the ability of the VPF to fulfil its mandate. The VPF/CSU has made progress in a number of areas, particularly in relation to financial and human resource management, however progress has been slow and often impeded by a number of factors. Key challenges for the CSU going forward include: financial management (for example, ensuring funding is available at provincial levels and following VPF budgetary processes to seek appropriate funding from GoV), human resource management (particularly workforce planning), and strengthening and using VPF policies and processes (including governance). Program support to the CSU, including through a dedicated full-time CSU adviser, has the potential to catalyse significant change in the VPF.

2.4 Lessons Learned from Australian Assistance

Australian assistance to the sector over some fifteen years offers lessons for future support. These lessons have been incorporated into this design:

Collaboration across the sector is critical for improved service delivery: Program support has created an appetite for increased collaboration. However, experience shows this will only work where there is effective leadership for collaboration and it is based on specific, substantive issues under the guidance of strategy, rather than on aid management and coordination alone.³⁸

There is minimal evidence that an 'organisational capacity development approach', implemented in isolation, leads to improved policing, law and justice services: There is limited evidence globally that institutional strengthening and support for whole-of-sector collaboration *alone* brings lasting results. A capacity development approach that is focussed on individual organisations in isolation is less effective in yielding change that affects the broader system. Evidence suggests that so-called 'organisational capacity development approaches' must be paired with other strategies — for example, problem solving, a thematic focus and/or a service delivery focus — to bring about change

³⁷ PJSPV, 'Evaluation of the Participation of Women in the Vanuatu Police Force' (2015).

³⁸ PJSPV, 'Working Together: Evaluation of PJSPV Support for Cross-Sector Collaboration' (2016).

for users of the system. Also, capacity development activities will have most impact if extended beyond sector institutions and include support to both government and NGO initiatives.³⁹

Engagement of internationally-recruited personnel in in-line positions can have merits as well as significant risks: This approach, as a capacity development and reform strategy, has demonstrated results both internationally and in Vanuatu and could be explored with GoV through the new design cognisant of the risks and the appetite of the GoV for such support.

Ensure support is provided that enables **direct service delivery** through grants or direct budget support that improves access, stimulates demand and provides direct feedback loops. This is an appropriate complement to an organisational capacity development approach.

Also, a 2016 DFAT-commissioned independent review of PJSPV distilled lessons from Australian assistance and made recommendations for improved support⁴⁰ — these are reflected throughout this design document. For example, the review confirmed the appropriateness of the program modality in terms of amalgamated policing and justice support. The review highlighted advantages flowing from this modality including program management and delivery efficiencies for Australia. It also considered the impact in terms of diplomatic and institutional relationships between Vanuatu and Australia, finding that the combined approach provides an opportunity for one informed voice from GoA on law and justice issues. Also, the review highlighted the modality affords Australia an evidence-based sector-wide perspective on policing and justice issues in Vanuatu. This is useful in dialogue with the GoV in support of justice agencies' efforts to secure the necessary GoV operational / service delivery budgets.⁴¹

Further, the review highlighted examples of program effectiveness in terms of areas where program activities have had a positive impact. Examples identified include working on leadership mentoring, strengthening financial management and budget preparation processes, improving monitoring and evaluation and annual reporting, training in technical areas (including investigations), improving data quality and management, supporting cross-sector initiatives, conducting of research and pilots, revising Standard Operating Procedures for investigations involving children, internal investigations at the VPF, strengthening human resources management, achieving efficiencies, including through less expensive options, such as bicycles, stimulating the introduction of the time efficient Rapid Charge System, providing stable advice to VPF executive in a period of institutional and political turmoil, and promoting the VPF's community engagement. Many of these initiatives are continued, or built on, in this SRBJ design. The review also made a number of findings and recommendations with respect to program governance — these have greatly informed the program governance and management arrangements described in section 4.

³⁹ DFAT and AFP, above n 4, 47-48; Marcus Cox, Emele Duituturaga and Eric Scheye, 'Building on Local Strengths: Evaluation of Australian Law and Justice Assistance' (Office of Development Effectiveness, 2012).

⁴⁰ McGovern, above n 3.

⁴¹ Ibid ii.

2.5 Australia's National Interest

Australia's national interest is well supported by investment in policing, justice and community services programming in Vanuatu, including through the promotion of democratic values, human rights and the rule of law. Through support for the identified needs of women, children and youth, the investment promotes stability by reducing vulnerability, poverty and risk. By providing a more effective and accountable policing and justice system, support helps to establish an improved environment for investment and economic growth.

The design supports the regional and development priorities of the GoA as articulated in the Australian Government's development policy:

[To] build effective law and justice systems, drawing on the Australian Federal Police and Attorney-General's Department, to strengthen policing, increase the safety and security of communities and improve people's access to justice and address violence against women.⁴²

AFP advisers also deliver direct support to Australia's national interest in ways additional to those of contracted advisors. This includes close association at a police-to-police level within the highest echelons of the VPF. This invokes positive outcomes including awareness of institutional and national policy; members who have high level relationships and local awareness in cases requiring Australian support (such as humanitarian assistance); and building of long-term police-to-police relationships which facilitate productive transnational, serious and organised crime cooperation.⁴³ Also, Australia's national interest is served through partnerships with the Commonwealth Ombudsman and Federal Court of Australia. These partnerships support strengthening of ombudsman-to-ombudsman and court-to-court relationships between Vanuatu and Australia.

3. PROGRAM DESCRIPTION

3.1 Program Scope and Overview

(i) Overview of the SRBJS Investment

SRBJS will seek to contribute to the goal of improved policing, justice and community services in Vanuatu. The program will do so through an emphasis on:

- strengthening the capacity of state policing, justice and community services institutions for improved service delivery to women, children and youth;
- improving people's access to justice, with an emphasis on access to justice for survivors of violence against women and children; and
- enhancing service delivery for vulnerable and at risk-groups, particularly women and children survivors of violence, youth in conflict with the law, and persons with disabilities

⁴² DFAT, above n 10.

⁴³ Note that transnational, serious and organised crime cooperation is non-ODA eligible. For transnational crime, the exception to this is where its primary purpose is to improve the economic development and welfare of people in the recipient country.

The program will work across the policing, justice and community services sector. SRBJS will be a blend of justice, community services and policing support working principally at the agency level to help improve service delivery, particularly to women, children and youth. Partners for SRBJS will be the VPF, the agencies, departments, statutory and constitutional bodies that make up the Justice and Community Services Sector (JCSS) including MJCS, the Judiciary, MoIA, the Prime Minister's Office (PMO) (Aid Coordination), and select civil society organisations such as the Vanuatu Women's Centre (VWC) and Vanuatu Society for People with Disability (VSDP).

The kinds of challenges facing the sector, described in section two, cannot be addressed by focussing on institutional capacity development alone. It requires thinking creatively about how to promote change so that the end-users of these institutions — the community of Vanuatu — experience a measurable difference in how these institutions operate. So SRBJS will involve a stronger focus (than did PJSPV) on working across the interface between the state policing, justice and community services sector and the non-state justice system (for example, churches and chiefly structures). The program will put more emphasis and attention on what happens at the community level, including the impact on and experiences of end-users of both the state and non-state systems.

This approach builds on two large research pieces completed under PJSPV which investigated conflict management at the community level and its interface with the formal, or state, policing and justice agencies. In one location (Malekula), the research focused on conflict management and access to justice in rural Vanuatu, with a particular interest on how this impacted on women victims of gender-based violence. In the other location (Blacksands), using the same methodology, the research focused on youth in conflict with the law in a peri-urban location.

The research findings provide a robust foundation for sound, evidence-based development programming. The research makes recommendations for tailored pilot initiatives in Malekula and Blacksands for implementation, in a careful way, during SRBJS. This design is not prescriptive about the pilot initiatives so as to allow for maximum flexibility as approaches are explored and tested. The research refers to “community conflict managers” — these are the targeted non-state actors to which this program design document refers. The label, or grouping, of “community conflict managers” includes chiefs, religious leaders and families.

Like PJSPV, in SRBJS support to policing will involve AFP personnel providing expert policing advice to the VPF. The support to justice and community services will similarly involve advisers providing expert law and justice as well as corporate services advice. The managing contractor will implement the support on justice and community services (and will be responsible for whole of program administration as per section 4.1 below). Also, a number of SRBJS advisers will continue to work across policing, justice and community services on the following issues: prosecutions, public financial management, human resource management, case and data management, and monitoring and evaluation. Capacity development advisory assistance will be provided to the program, tailored as required. The main focus of the Capacity Development Adviser role will be on justice and community services, though will be available to provide targeted support on policing as appropriate and under the direction of the Program Coordinator (Policing).

The program is a unique design model for DFAT and AFP and has been a trial in terms of the modality, governance arrangements and programming. This implementation model has worked well

in PJSPV and has delivered results — the modality is the right approach in the context so will continue. Responsibility for safety, security and access to justice involves a range of people and institutions working together. This DFAT-AFP-managing contractor modality recognises that many of the initiatives proposed can only proceed with active involvement from multiple agencies across the policing, justice and community services sector. And so it makes sense for GoA to continue to provide assistance in an integrated way that reflects this. This design aims to build on the collaborative approach between policing and justice support that has characterised PJSPV.

Some examples of the value of joining assistance for policing and justice in one program include: prosecutors can be more effective by working with VPF investigators to improve the quality of briefs. Tracking criminal cases through the system is more effective if each agency, including the police as the entry point, record information and cases accurately. Work on addressing gender-based violence will be more robust if it actively includes and involves the police and justice institutions. While it is possible to improve various aspects of the criminal justice chain at individual and agency levels, engaging with the sector as a whole ensures all pieces of the jigsaw are accounted for. These examples make clear why SRBJS supports a whole-of-sector strengthening approach.⁴⁴

SRBJS will continue to provide support for institutional strengthening, or organisational capacity development, recognising that this is necessary to drive the program but alone is unlikely to deliver results to the target beneficiaries. This form of support has the ability to absorb infinite resources but has been shown, over an extended period of law and justice development assistance, to be of limited benefit to improving human wellbeing. So the SRBJS approach 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. The approach features interventions that focus on both state and non-state actors within the sector and that work to strengthen supply and demand. This builds on international good practice and recommendations of an evaluation of Australian law and justice assistance providing that Australia should avoid a singular focus on state institutions and instead take a multi-dimensional approach to capacity development.⁴⁵

The strategic vision of the design is to drive the benefits of the interventions to the target beneficiaries through the enabling support to the sector, while implementing concurrent activities more directly at the level at which change is sought for the target beneficiaries (children, women and youth). The approach recognises that the two systems of state and non-state justice (otherwise termed 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.⁴⁶

SRBJS features a mixture of delivery mechanisms: provision of experts and other technical assistance, financial contributions to core sector agencies, infrastructure and information systems support, provision of grants, and support for participation in select and (program) relevant regional networks.

⁴⁴ Lister, Rosenthal and Sumner, above n 22. This UN Women research found that there is some disconnect between the sector agencies including the police and courts, especially as they relate to decisions along the justice chain in domestic violence cases. So it is appropriate to support the sector as a whole.

⁴⁵ Cox, Duituturaga and Scheye, above n 39.

⁴⁶ This draws on the program approach articulated in DFAT, above n 4. This point was confirmed in UN Women research conducted by Lister, Rosenthal and Sumner, above n 22.

With respect to program scope, SRBJS will not be able to involve itself in matters related substantively to land management/dispute resolution. As the Customary Land Management Office (CLMO) is under the Ministry of Justice and Community Services and the Malvatumauri National Council of Chiefs (MCC) is part of the sector, the program may assist CLMO and MCC with institutional strengthening as requested. It will not, however, be able to engage on substantive land justice issues.

SRBJS will work collaboratively with all other sector development programs and initiatives. SRBJS will work to ensure ongoing and effective coordination with other donors and harmonisation with other activities in the sector. This is detailed in section 3.8 below.

(ii) Overview of Program Support for Policing

In response to GoV requests for assistance, program support to policing will consist of AFP advisers providing expert policing advice to the VPF. This will be complemented by civilian advisers providing expert advice to the VPF in a range of other areas including public financial management, human resource management, case and data management, monitoring and evaluation and planning and reporting. Targeted capacity development advisory support related to women's professional participation and leadership in the VPF may also be provided. Program support to policing also involves support for use of a new police information management system (PIMS) and continued financial support for non-salaried operational and maintenance activities. This financial support is provided through the VPF Operational Fund, described in more detail below.

The Program Coordinator (Policing) will provide high-level strategic advice to the Commissioner of Police and the VPF Executive. While this will, in part, involve provision of responsive advice on an *ad hoc* basis, the position will have a clear responsibility to advance strategic engagement defined in the first instance by what the VPF have envisioned in their strategic plan. This will include, inter alia, enhancing women's professional participation in the VPF,⁴⁷ police responses to family and gender based violence, strengthening the CSU, issues of police discipline and accountability, the progressive roll-out of PIMS, tailored pilot initiatives in targeted locations, and increasing service delivery in provincial areas.

Ongoing financial support to the VPF, through the Operational Fund, should continue but needs to be complemented with parallel steps to improve the VPF's abilities to manage their own resources and aid dependency. This includes ongoing public financial management and human resource management (includes workforce planning) advisory assistance, outlined above. Working with the VPF, SRBJS will explore options to fund and support a dedicated, full-time adviser to the VPF CSU to support the effective management and functioning of the CSU (this advisory support will be in addition to cross-sector program advisers providing support to CSU). This strategy has the potential to greatly strengthen the CSU as well as the VPF's service delivery capacity more broadly.

AFP personnel will continue to provide support for VPF investigations, police prosecutions, professional standards and the police training college functions. Also, this design creates a new

⁴⁷ Through implementation of the findings of the above-mentioned PJSPV evaluation of women's professional participation in the VPF.

adviser position to support the VPF to improve handling of domestic violence offences; the position includes support to the Family Protection Unit as well as crime prevention and community engagement functions.⁴⁸ Advisers will support in-house skills development, workplace efficiency and effectiveness, and provide technical one-on-one 'real-time' advice.

All advisers supporting the VPF will:

- Ensure that all activities and programming is working towards meeting the program's end of program outcomes;
- Assist to strengthen and/or implement endorsed VPF policies, processes and governance frameworks, including the VPF Strategic Plan;
- Support the VPF to implement recommendations from the *Evaluation of Women's Participation in the VPF* and advocate more generally for gender equality
- Facilitate links between functional VPF areas and the media engagement and crime prevention units; and
- Actively ensure their day-to-day work supports positive changes in how the VPF delivers services to the community particularly women, children and youth.

These approaches aim to ensure SRBJS assistance is: sustainable and owned by the VPF, contributing to increased community awareness of police functions (and therefore creating and building demand), and focussed on end-users.

(iii) Overview of Program Support for Justice and Community Services

SRBJS support for justice and community services consists of advisers providing expert law and justice assistance and advice to justice sector institutions including the Judiciary, MJSC, PSO, PPO, SLO, VLC and the Office of the Ombudsman. This includes on-the-job training and mentoring, legal and policy advice, as well as provision of technical legal capacity development activities such as seminars and workshops. There will also be support for law reform, particularly where reform could improve justice outcomes for vulnerable and at risk groups.

This support is complemented by technical assistance in a range of other areas including public financial management, human resource management, case and data management, research, monitoring, evaluation, planning and reporting, and capacity development and leadership activities. Program support to justice and community services will also involve provision of grants to sector agencies and non-governmental organisations, described in more detail in section 3.7.

Further, the program will support the sector to implement the JCSSS. It will also work to strengthen the capacity of the MJCS to provide corporate services to the sector (for example, public financial management, human resource management, capacity development opportunities, and monitoring and evaluation). Also, as MJCS sees itself as having the mandate to support consensus-based sector coordination and collaboration to strengthen service delivery, the program will support this function

⁴⁸ If AFP is able to cover the cost of this position, or otherwise make a substantial contribution, then it is recommended as an AFP-designated position. Otherwise this position will be for the managing contractor to engage and manage through a competitive selection process. Either way, the position should be engaged through a joint recruitment process involving AFP, DFAT and GoV.

of MJCS. In addition, the program will continue support for case and data management and information systems, building on the significant program investment during PJSPV. This case and data management support will require partner agencies to demonstrate efficiency gains and ownership each step of the way as a mutually reinforcing mechanism for phased investment over time.

While the program is principally a policing and justice program, like PJSPV, SRBJS will provide some support for community services. In PJSPV, the program engaged with the Department of Women's Affairs (DWA), Child Desk, and Disability Desk as well as NGOs working in the community services space (e.g. VWC) — SRBJS will continue this approach. SRBJS will try to support GoV to establish a regulatory environment which promotes gender equality, sensitive approaches to dealing with young people, and establishes fair treatment and de-stigmatisation of persons with disabilities. Also, as service delivery outcomes are weak against these themes (and under-resourced by GoV), SRBJS will support, as it pertains to access to justice, a modest amount of direct service delivery to vulnerable and at-risk groups.

The community services portfolio falls under the mandate of MJCS. While that is not, in and of itself, a justification for its inclusion in SRBJS, the approach fits with the program's focus on women, children and youth as the core beneficiaries. It provides a holistic way to further their rights, including to access services, and allows the program to confront development challenges in both preventative and responsive ways. Further, the lack of impact in service delivery to these beneficiaries is a major reason why SRBJS will continue to engage on community services.

(iv) Summary of the Changes to the Program

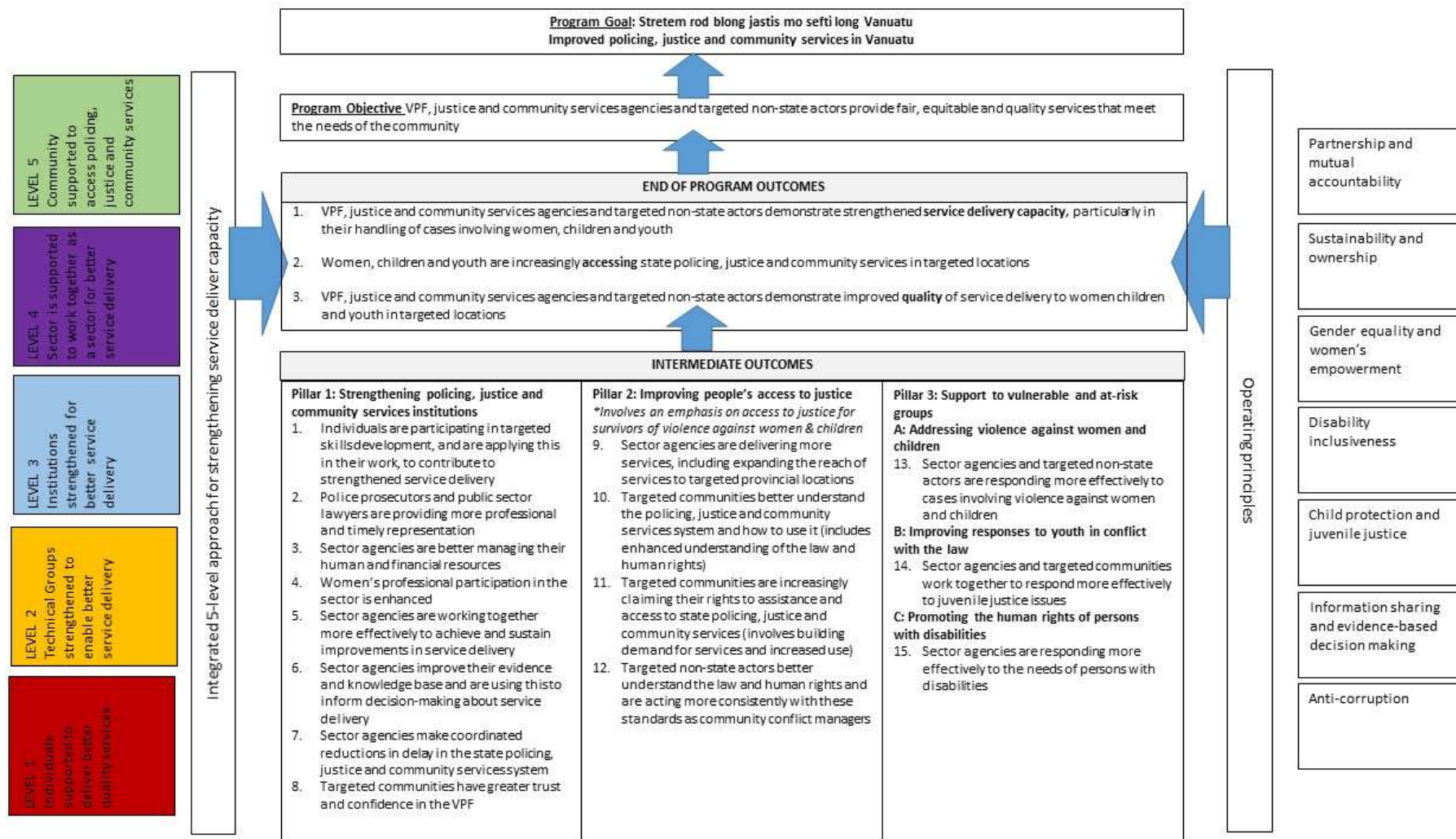
The main ways in which the program has been refined through the design process are as follows:

- **Increased focus on targeted provincial centres:** There is a need and it is timely to increase the program's focus on expanding service delivery in targeted provincial locations, particularly for women, children and youth. This will target Malampa, Sanma and Tafea Provinces, though cross-sector activities will seek to include stakeholders from other provinces where possible. Advisers will provide increased support to offices in these targeted provincial locations, including increased travel to these area where budget permits
- **Increased support for more effective handling of cases involving violence against women and children:** SRBJS will involve a stronger focus on developing the capacities of sector agencies as well as targeted non-state actors (chiefs and religious leaders) to respond more effectively to cases involving violence against women and children, including through pilot initiatives and technical advisory support on police responses to family and gender-based violence cases
- **Support for legal education and outreach activities:** Limited legal awareness at the community level remains a substantial barrier to access to justice. SRBJS will provide support for initiatives aimed at enhancing community understanding of the law, human rights and available policing and justice services, including how to access these services

- **Increased support for the Judiciary:** Improvement in court performance has the potential to improve justice services for women and children. This is because a great number of the cases heard by the Magistrate's Court relate to family and gender-based violence. Also, strengthening the Magistrate's Court and Island Courts and increasing the frequency of court tours could significantly enhance access to better quality justice services. In consultation with the Chief Justice, SRBJS will include specific measures to support the strengthening of the Magistrate's Court and Island Courts. It is anticipated that one mechanism for this support will be a partnership with the Federal Court of Australia
- **Support for law reform:** Law reform is desired across the sector and supports program outcomes. Where there is GoV appetite, SRBJS will support law reform, particularly where reform could improve justice outcomes for vulnerable and at risk groups (for example, legislative provisions relating to adoption, child maintenance, family protection, the rights of persons with disabilities, and alcohol sale and consumption). Where appropriate, and where there is agreement and approval by GoV to do so, SRBJS will engage with the Australian Attorney General's Department regarding opportunities to provide GoA assistance in this area
- **Technical legal advisory support for the Office of the Public Prosecutor:** Increased technical assistance and targeted legal training is needed. SRBJS will provide this support, emphasising capacity development for prosecuting cases involving violence against women and children
- **Increased support for strengthening the administrative capacity of the VPF and JCSS:** Improved financial and human resource management across the policing, justice and community services sector is an important aspect of strengthening the service delivery capacity of sector institutions. It is also key to protecting Australia's investment in the sector and supports a possible gradual move towards using partner financial systems

3.2 Program Logic

The diagram below visually represents that which SRBJS will seek to achieve over four years. The program logic is explained in detail directly below.



3.3 Program Goal, Objective and Expected End of Program Outcomes

SRBJS seeks to contribute to the vision and mission of the policing, justice and community services sector as articulated in the JCSSS and VPF Strategic Plan. Through an emphasis on service delivery, the program aligns Australian assistance with Vanuatu's own priorities and resources.

Goal

The high level goal of the program is *Stretem rod blong jastis mo sefti long Vanuatu*. In English, the literal translation is a straight road to justice and safety in Vanuatu. We might think of this as a kind of journey towards improved policing, justice and community services. So the English articulation of the program goal is *Improved policing, justice and community services in Vanuatu*. Justice is understood in its broadest sense, accounting for local, contextualised conceptions of the term.⁴⁹ The goal is adapted from the vision for the sector as set out in the JCSSS: *Jastis, sefti, digniti, rispek mo gud fasin blong evriwan*.⁵⁰ SRBJS will contribute to the goal in modest but concrete ways.⁵¹

Objective

The objective of the program is that VPF, justice and community services agencies and targeted non-state actors provide fair, equitable and quality services that meet the needs of the community.

This objective for Australian support complements and is derived from 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*.⁵² The objective also supports VPF's vision as set out in the VPF Strategic Plan: *A modern and professional Police Force united in delivering an effective policing service, in partnership with our communities for a safe and secure Vanuatu*.⁵³

End of Program Outcomes

SRBJS is designed to contribute to the goal and objective by focusing on three end of program outcomes (EOPOs). The EOPOs are statements of the results that are expected to flow directly from Australian assistance. SRBJS will focus on helping Vanuatu to achieve the following three EOPOs:

1. VPF, justice and community services agencies and targeted non-state actors demonstrate strengthened **service delivery capacity**, particularly in their handling of cases involving women, children and youth
2. Women, children and youth are increasingly able to **access** state policing, justice and community services in targeted locations
3. VPF, justice and community services agencies and targeted non-state actors demonstrate improved **quality** of service delivery to women children and youth in targeted locations

⁴⁹ See, eg, Sally Engle Merry, 'Anthropology, law, and transnational processes' (1992) *Annual Review of Anthropology* 357; Sally Engle Merry, 'Legal pluralism' (1988) *Law and society review* 869.

⁵⁰ Justice, safety, dignity, respect and a good way for everyone.

⁵¹ Australian assistance will seek to support the high-level goal (and objective) of improved services (aligned with GoV priorities). However, SRBJS is not responsible for achieving the high-level goal: SRBJS will seek to contribute to its achievement over time.

⁵² MJCS, above n 5, endorsed by the Council of Ministers, May 2013.

⁵³ VPF, above n 5.

All support provided under SRBJS will contribute to one or more of these three EOPOs.

SRBJS will be structured around three Pillars:

1. Strengthening policing, justice and community services institutions
2. Improving people's access to justice (with an emphasis on access to justice for survivors of violence against women and children)
3. Support to vulnerable and at-risk groups

Each of the Pillars contribute to the three EOPOs in a highly integrated, mutually reinforcing way. These EOPOs and Pillars have been selected because they are essential to achieving the overarching goal and objective; they represent areas of mutual interest and shared concern for Vanuatu and Australia; and analysis points to the capacity of Australian funding, expertise and relationships to make a tangible difference in these areas over the course of the investment — this is to be measured at the level of the end-users of the policing, justice and community services.

The introduction of these three Pillars represents a departure from the three Components used in PJSPV and in the first stage of SRBJ. (Component 1: Support for multilevel sectoral coordinator, collaboration and communication; Component 2: Capacity development; Component 3: Protecting children & justice pathways for women and youth.) This change is intended to reflect sector and program progress and the stronger focus on improving service delivery that will characterise SRBJS.

The focus on improving service delivery was overt in PJSPV, but the move towards increasing the focus on service delivery to users of the system across *all* aspects of the program reflects a maturation of the program and its partnership with the GoV. At the conclusion of PJSPV, the GoA will have provided assistance to policing and justice in Vanuatu for more than 16 years. Over that time, assistance has progressed from advisory support to select state institutions to become a sector-wide program incorporating an integrated whole-of-sector strengthening approach. For the program to be understood, accepted, owned and supported by GoV partners across this broad sector, these programmatic changes need to occur in a way that is understood and appreciated by partners. The pace of change in the way Australia provides support — at times leading, at other times supporting change — must occur in a way that is complementary to sector progress. The overt program focus on service delivery outcomes for users of the system is likely to be acceptable to GoV given the maturity of the GoA and GoV partnership in this sector. The focus also reflects language in the draft National Sustainable Development Plan, currently being developed by PMO.

The Pillar structure also shows how SRBJS will work across the interface between the state policing, justice and community services sector and non-state actors and end-users of the system. It illustrates a graduation from support focused almost entirely on state law and justice institutions to a stronger focus on justice at the community level, including the experiences of users of the system. (This shift is in addition to and not instead of support to sector institutions.) Also, as the program logic depicts (and as discussed below at section 3.4 (iv)), capacity development is not captured through any Pillar. Instead, it is represented as an underlying approach for strengthening service delivery capacity that cuts across the three Pillars.

While the Components have shifted to Pillars, much of the program's work and support will continue and be deepened in a way that:

- Builds on the engagement and relationships developed in previous iterations of the program
- Prioritises capacity development, applying the five-level capacity development framework already in use in PJSPV
- Strengthens collaboration between sector agencies where it supports service delivery
- Promotes gender equality and women's empowerment through support for enhanced access to justice for women and girls as well as greater professional participation of women in the sector
- Builds on sector strategies and plans that identify the key priorities of the sector
- Recognises the strengths and challenges within the sector⁵⁴
- Prioritises information sharing and evidence-based decision making
- Builds on research undertaken by PJSPV on conflict management and access to justice in rural Vanuatu (Malekula); and youth in conflict with the law in a peri-urban location (Blacksands)⁵⁵

3.4 Expected Intermediate Outcomes and Indicative Outputs

The three Pillars feature intermediate outcomes (IOs) which are required to be fulfilled in order to achieve the EOPOs. The IOs are expected to be achieved as program implementation proceeds, generally at the program mid-point.

The IOs from across the three Pillars contribute to the EOPOs in an integrated way. By way of example, fulfilment of EOPO 2 (increased accessibility of services) relies on the cumulative impact of work around a number of IOs across the three Pillars, and involves multiple actors and institutions. This integrated program structure reflects the complex and multifaceted context to which SRBJS responds. It also reflects the body of law and justice development literature that supports the view that end-users are much more likely to benefit from assistance where it occurs through a holistic approach.⁵⁶

This section provides examples of possible outputs that SRBJS will deliver to meet the IOs, dependant on consultation with and support from relevant GoV agencies and cognisant of changes in the context. Outputs are the results of program activities; the direct products or deliverables of program activities. Some outputs relate to more than one IO so there is some overlap between IOs and pillars.

⁵⁴ 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 1.

⁵⁵ This research built on two specific case studies undertaken by SRBJ (during Stage 1) to investigate pathways to action for women experiencing family violence in Malekula and access to justice for urban youth in conflict with the law and possible targeted interventions that the program could make in these thematic areas.

⁵⁶ See, eg, Livingston Armytage, *Reforming Justice: A Journey to Fairness in Asia* (Cambridge University Press, 2012); Cox, Duituturaga and Scheye, above n 39; Rumu Sarkar, *International Development Law: Rule of Law, Human Rights, & Global Finance* (Oxford University Press, 2009).

(i) Pillar 1: Strengthening Policing, Justice and Community Services Institutions

Pillar Overview

The focus of Pillar 1 is on helping sector agencies/institutions improve their capacity to deliver quality services to the people of Vanuatu. The Pillar involves a suite of support to the sector ranging from the provision of technical assistance and capacity development activities, funding for purchasing/updating of information systems combined with support using the systems for service delivery, to backing enhanced professional participation of women in the sector.

Intermediate outcomes and key indicative outputs under Pillar 1

Intermediate Outcome 1: Individuals are participating in targeted skills development, and are applying this in their work, to contribute to strengthened service delivery

This involves support to individuals across the sector to build their skills required to fulfil the requirements of their positions. Support will be provided across a range of technical areas including legal, policing, public financial management, management and leadership skills and human resource management skills. This will involve a strong focus on applying learning in the workplace. It will also emphasise workplace learning, which is the kind of learning that is not just about applying what has been learnt in training, but instead is about responding to workplace issues as they emerge in ways that can be self-managed.

Indicative Outputs:

- VPF Commissioner and Executive are effectively advised on high-level strategic management and policing issues (see section 3.1 (ii) for a non-exhaustive list of issues for advice)
- VPF officers are effectively trained and mentored in management and operational roles, for example investigations/investigative procedures, prosecutions, handling of domestic violence cases, lawful use of force, professional standards, development and production of briefs, legal opinion's and research, crime prevention and community engagement

Intermediate Outcome 2: Police prosecutors and public sector lawyers are providing more professional and timely representation

This involves support to SPD and lawyers within public law offices to improve the quality of their representation of clients. This could also involve capacity development support (employing a variety of capacity development techniques) in areas including advocacy skills, knowledge of laws, and court practice.

Indicative Outputs:

- Police prosecutors and public sector lawyers are trained to provide quality representation and assistance, for example, through mentoring, coaching and access to training in a range of technical areas, for example, appearing in court, civil and criminal procedure, professional responsibility, file management, court tours, and specific areas of law such as domestic violence and restraining orders, child maintenance, adoption (as relevant to the functions of each office).

- Public sector lawyers are trained in legal advocacy, for example through SRBJS support for their attendance at Victoria Bar legal advocacy training

Intermediate Outcome 3: Sector agencies are better managing their human and financial resources

SRBJS will continue PJSVP's sector support in the areas of financial and human resource management. Improved public financial management is crucial for the efficient functioning of agencies and delivery of services, and also guards against fraud. Sound human resource management matters for staff retention, morale and agency performance. Also, as part of the program support for human resource management and workforce planning, the program has encouraged gradual development of leadership and professionalism across the sector. Officers are demonstrating creative thinking for solving service delivery challenges within existing resources and parameters. Continued organisational and development support within the sector has the potential to drive change.

Indicative Outputs:

- Better financial and human resource management resulting, in part, from adviser support in these areas
- Sector agencies are supported to channel funds through Financial Services Bureaus (as an enabler for provincial service delivery)
- A long term VPF financial and human resource management plan/framework (in line with the VPF Strategic Plan) is developed

Intermediate Outcome 4: Women's professional participation in the sector is enhanced

Women remain under-represented in policing and justice professions and there are substantial barriers to their professional participation at all levels of the sector.

Key Outputs:

- Enhanced participation of women in the sector. LSJ support will include working with the VPF to implement recommendations from the *Evaluation of Women's Participation in the VPF*
- Women from across the sector are mentored/equipped to participate, with confidence, in the sector. Includes ensuring women have equitable access to training opportunities provided/supported by SRBJS and supported participation in the (ongoing) Women in Leadership mentoring program

Intermediate Outcome 5: Sector agencies are working together more effectively to achieve and sustain improvements in service delivery

SRBJS will work to support effective *collaboration* between policing, justice and community services agencies and institutions. The reason for this support is that stronger sector collaboration contributes to improved delivery of services to the people of Vanuatu. Sector agencies share many common priorities, or cross-cutting issues — by working collaboratively together there are many opportunities for progressing these. This can happen through direct cooperation and coordination, including integrated planning that does not threaten the substantive independence of relevant bodies.

Indicative Outputs:

- The Heads of Agencies Group (HOAG) is strengthened as a governance mechanism. Specific areas for strengthening include support for convening more action-oriented meetings, increased decision-making capability, and encouraging the filtering down of information and messages to working-level staff in each agency by relevant heads
- Increased understanding among sector actors about the independence of agencies and institutions within the justice sector. SRBJS could provide support for a better and deeper understanding of the independence of constitutional and statutory bodies within the sector as a means of protecting against the politicisation of and interference in justice as well as the appearance of interference. This could include provision of support for a more nuanced understanding of where collaboration is useful and appropriate and does not undermine independence. Involves supporting the agencies and heads of agency within the sector to agree and clearly explain what information can and cannot be shared and with whom. This may help people in the sector feel more comfortable sharing information and expertise when appropriate and in the knowledge of the boundaries to that sharing of information⁵⁷

Intermediate Outcome 6: Sector agencies improve their evidence and knowledge base and are using this to inform decision-making about service delivery

This involves sector agencies making better use of information and evidence from research, monitoring and evaluation activities, and information systems for service delivery.

Indicative Outputs:

- Sector agencies are effectively trained and supported in M&E
- Sector agencies are supported to assess and deliberate on management information derived from information systems, and use the information to make informed decisions
- Incremental progress is made 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
- Sector agencies/SRBJS engage effectively with academic institutions such as the University of the South Pacific (USP) or Australian National University on policy dialogue and/or research

Intermediate Outcome 7: Sector agencies make coordinated reductions in delay in the state policing, justice and community services system

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 institutions 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.

⁵⁷ PJSPV, above n 38: the evaluation report provides additional recommendations for program support.

Indicative Outputs:

- Reduced delay in the justice system, for example through SRBJS support to the Magistrate's Court to help clear some pending cases
- A diagnostic study is supported by the program and sector looking into the immediate and systemic causes of delay across the justice system. The study could indicate the location, cause and size of delays with recommendations for possible action for the targeting of delay

Intermediate Outcome 8: Targeted communities have greater trust and confidence in the VPF

Building and maintaining community confidence and trust is the basis of effective policing and law enforcement. The VPF has made progress in this area by developing and implementing a police professional standards framework and increasing media/communication activities. However, greater and sustained community confidence relies on organisation wide support and action, especially from VPF leaders. Accordingly, SRBJS will continue to provide targeted support to VPF corporate, investigative and professional standards functions while increasing technical and financial resources to VPF areas responsible for community engagement and responding to family and gender-based violence.

Indicative Outputs:

- Advisory support is provided for crime prevention activities
- Ongoing adviser support is provided to PSU: the PSU appears to have strengthened the external and internal oversight mechanisms for discipline, standards and accountability. Ongoing challenges include geographical reach (including resourcing), investigative procedure skills and processes, and case management. Program support for the VPF workplace ethics program, police open days and/or the Police Stations Visits Program (described in section 4.3 (iv)) could help.

(ii) Pillar 2: Improving People's Access to Justice

Pillar Overview

This pillar is about helping sector agencies to deliver more services, including expanding the reach of services to targeted provincial locations. Additionally, in Vanuatu, access to justice is not only about service delivery in the face of geographic and resource challenges, though these are significant factors. It is also about the extent to which people are aware of, understand and are empowered to access justice services, and their experiences as users of the system. It involves how members of the community — particularly more vulnerable and marginalised groups — are heard and treated in the processes available to them (whether state or non-state), and how conflicts are managed and resolved. Program support under this pillar involves an emphasis on access to justice for survivors of violence against women and children.

Intermediate outcomes and key indicative outputs under Pillar 2

Intermediate Outcome 9: Sector agencies are delivering more services, including expanding the reach of services to targeted provincial locations

The reach of state services outside of Port Vila and Santo is limited. Program support for increased delivery of state policing, justice and community services will help improve access to justice. The program will also implement tailored pilot initiatives in targeted locations, also intended to help improve access to justice.

Indicative Outputs:

- Increased access to justice services, for example through the provision of program funds to sector agencies to deliver more services, including in targeted provincial locations (through the VPF Operational Fund and Grants Facility, discussed in section 3.8). SRBJS should support VPF to conduct more patrols and respond to more incidents in targeted locations
- Increased VPF presence in targeted provincial locations through rotations and visits
- SPD and public sector law offices supported to deliver more policing and justice services. This might involve supporting strengthening of the capacity of these offices in provincial locations
- Judiciary supported to plan and deliver more regular court tours (Circuit Courts)⁵⁸ (especially Magistrate's Court, possibly also Island Courts), drawing on evidence produced through the Case Management System showing cases pending (subject to priorities of Chief Justice)

Intermediate Outcome 10: Targeted communities better understand the policing, justice and community services system and how to use it (includes enhanced understanding of the law and human rights)

A lack of legal awareness within communities is a significant barrier to accessing justice — there is limited understanding of the law, human rights and available state services, including what communities are entitled to expect from the service providers. SRBJS will support outreach activities with the aim of empowering targeted communities with knowledge about the law, human rights and available services, and how to access and use these services.

Indicative Output:

- People are increasingly aware of their rights and available services, for example through SRBJS support for more outreach activities to be conducted by sector agencies, civil society organisations, churches and community organisations, including in targeted provincial locations. The aim is to supplement and strengthen provision of information to communities (users of the system) about the state system and how to use it. Examples of existing outreach activities include VPF Crime Prevention initiatives, legal awareness clinics conducted by the Public Solicitor's Office, and VWC workshops. Other examples of areas for

⁵⁸ One aspect that has been identified as needing attention is that of the detention of persons convicted in Circuit Courts. That is, once a person is convicted, where are they taken to and by whom? The program should be aware of and alert to this issue in its support for Circuit Courts.

support include the VPF 'Police Tok Tok' and weekly newspaper column (both initiatives also support building community confidence in the VPF)

Intermediate Outcome 11: Targeted communities are increasingly claiming their rights to assistance and access to state policing, justice and community services (involves building demand for services and increased use)

By building community understanding of the policing and justice system, law and human rights, the intention is that people will increasingly claim their rights to assistance and access. SRBJS's approach is to provide support for service providers (sector agencies) as well as end users of the system. The aim of this two-pronged approach is to build community demand for services, and a corresponding social accountability of sector agencies to deliver services (as their service delivery capacity increases).

Through this dual approach, SRBJS will seek to affect change in how cases that disproportionately impact the lives of women and children, like family and gender-based violence, are dealt with in communities. An example is to strengthen the capacity of sector agencies to respond to cases involving violence against women and children and at the same time empower the community to demand these services. Increased reporting and/or referral of violent offences against women and children to the VPF could indicate the success of this approach.

Indicative Outputs:

- Evidence from research on access to justice (Malekula) and urban youth in conflict with the law (Blacksands) is used to jointly develop and implement tailored initiatives that aim to ensure people are claiming their rights to appropriate policing and justice services in targeted provincial locations. This involves identifying and working with communities while simultaneously ensuring a level of supply side services are in place in targeted locations (so as to avoid building demand that cannot realistically be fulfilled)

Intermediate Outcome 12: Targeted non-state actors better understand the law and human rights and are acting more consistently with these standards as community conflict managers

Given the limited reach of the state, most disputes are addressed by "community conflict managers" — often the only form of redress for disputes. Even where state policing and justice services are available, many people choose "community conflict managers" (or *kastom*) as their first point of access to justice.⁵⁹ These actors often have a very limited understanding of the state policing and justice system, the law and human rights. PJSPV research conducted in Malekula showed that a number of these actors would like more support from the state in addressing disputes. There is limited and inconsistent referral of cases to the state policing and justice system, this is particularly pertinent for domestic violence cases.

⁵⁹ Tyedmers, above n 28.

Indicative Outputs:

- Community level processes and institutions are strengthened so that they are more in line with Vanuatu's laws and commitment to human rights, and reflect a commitment to justice as much as they strive to maintain community harmony
- "Community conflict managers" are supported to better understand the law, human rights and available policing and justice services. The intention is to build understanding about what cases should be referred to the VPF/state policing and justice system

SRBJS will carefully monitor any work with "community conflict managers" to ensure that work is and remains consistently supportive of women. Pilot activities will be implemented slowly and mindfully, along with other initiatives including community mobilisation.

(iii) Pillar 3: Support to Vulnerable and At-Risk Groups

Pillar Overview

The focus of Pillar 3 is on supporting vulnerable and at-risk groups, namely survivors of violence against women and children, youth in conflict with the law, and persons with disabilities.

Intermediate outcomes and key indicative outputs under Pillar 3

Intermediate Outcome 13: Sector agencies and targeted non-state actors are responding more effectively to cases involving violence against women and children

As the discussion in section 2.3 makes clear, there are extremely high levels of violence against women and children throughout Vanuatu, with Malampa and Sanma having the highest levels. State and non-state actors play a role in responding to cases involving violence against women and children. PJSPV supported research in Malekula found that the response of state (VPF and Courts) and non-state actors ("community conflict managers" including chiefs, family and religious leaders) alike is, too often, inadequate. SRBJS will work with state and non-state actors to improve the quality of response.

Indicative Outputs:

- Improved recourse and protection for victims of sexual and gender-based violence
- Violence against women is not condoned by customary or traditional authorities
- The needs of women and children are addressed appropriately by the justice sector, for example through program support to police and courts as well as support to SPD and OPP to strengthen the capacity of offices to prosecute violent offences against women and children. As part of program support for implementing the FPA, SRBJS will continue to work with DWA and VWC regarding piloting of Authorised Persons (provision under FPA for protection orders)
- Counsellors are effectively trained to provide quality counselling services. This could include counselling for survivors of family and gender-based violence as well as for male

perpetrators of violence, for example with respect to anger management (part of the community services portfolio and implementation of the FPA)

- “Community conflict managers” are effectively trained to better understand the law, human rights and available policing and justice services. The intention is to build understanding about what cases should be referred to the VPF/state justice system

Intermediate Outcome 14: Sector agencies and targeted communities work together to respond more effectively to juvenile justice issues

Increasing numbers of urban youth are coming into conflict with the law, and the justice sector (formal and informal, government and non-government) is ill equipped to respond to them in a way that addresses the needs and realities of urban youth and their communities.

Indicative Outputs:

- Responses to juvenile justice issues are improved, for example through engaging in targeted advocacy with actors including UNICEF, WSB, Vanuatu Rural Development Training Centre Association and sector agencies to strengthen responses and support to juvenile offenders
- Recommendations from PJSPV research conducted in Blacksands on youth in conflict with the law are implemented

Intermediate Outcome 15: Sector agencies are responding more effectively to the needs of persons with disabilities

Disability can compound access to justice issues, and the justice sector (formal and informal, government and non-government) is ill equipped to respond appropriately and in a way that addresses the needs and realities of people with disabilities effectively. More broadly in Vanuatu, persons with disabilities enjoy very limited access to services.

Indicative Outputs:

- Persons with disabilities can better access services, for example, through program support to Disability Desk and provision of training/educational activities with sector agencies, community leaders, conflict managers and persons with disabilities
- Civil society organisations are supported to deliver services for persons with disabilities, for example through providing grants to organisations such as VSDP in areas such as early intervention and community-based rehabilitation. This approach is justified on the basis that due to systemic marginalisation and discrimination, additional measures are needed to ensure people with disabilities can access and defend their rights
- Policing and justice sector actors are effectively trained on disability rights, how to work with people with disabilities and how to make services more accessible. Training could address the following topics: (i) disability awareness training including how to interact respectfully with people with disabilities; (ii) the substantive rights of people with disabilities as set out in CRPD; (iii) information about the increased risk of violence against women and children with disabilities; (iv) how policing and justice services can be made more accessible.

(iv) How Will the Program Approach Capacity Development?

Capacity development is at the heart of this design and threaded through all program support. For the most part, SRBJS's approach to capacity development will be guided by the Capacity Development Strategy used in PJSPV.⁶⁰ This Strategy has been found to be well considered and strategic, and so it is a sound basis for SRBJS capacity development support, although is largely focussed on the justice sector agencies.⁶¹ An equivalent capacity development strategy will be developed for the VPF, and for other areas not already covered under the existing Strategy, at the start of implementation of SRBJS. At the same time, the existing Strategy will be updated as needed.

The existing Capacity Development Strategy provides a structure for identifying and targeting the various capacity development needs of the sector. It shows how capacity development activities can improve, or strengthen, the points of interaction between interdependent agencies in the sector, and with end-users of the system. In this way, the Strategy helps SRBJS avoid the shortcomings of traditional 'organisational capacity development' approaches within law and justice systems that focus development effort on individual organizations on the theory that poor performance is a function of internal capacity. The approach then is to apply technical fixes and strengthen internal capacity through provision of training and equipment, and improving management systems and governance processes. The assumption is that this improvement will ultimately lead to improved services. However, there is limited evidence globally that this approach alone brings lasting results.⁶² Rather this approach must be paired with other strategies that consider the broader political, legal and cultural systems in which the organisation operates — for example, problem solving, a thematic focus and/or a service delivery focus — to bring about change for users of the system.

The Capacity Development Strategy responds to this by outlining an approach to capacity development that is systemic and integrated, and identifies five interdependent levels at which capacity development should occur. In addition, the approach applies an action research methodology to ensure an iterative, learning oriented and evidence-based mechanism for managing and adapting capacity development effort over time. SRBJS will retain this, including the five levels, and will strengthen the application of action research in its capacity development approach.

The program will seek to work across each of the five levels for improved service delivery outcomes. As represented in the program logic, SRBJS applies the five levels to give structure and form to its approach for strengthening service delivery capacity. The idea is that the five-level approach for strengthening service delivery capacity infuses, or underlies, the three pillars and is critical to achieving the EOPOs. The five levels also evoke the inter-dependent nature of individuals, agencies and institutions in the sector to realise service delivery improvements for end-users.

⁶⁰ PJSPV, 'Justice and Community Services Sector Capacity Development Strategy 2014-2016' (2014).

⁶¹ PJSPV, 'Capacity Development Evaluation' (2015); McGovern, above n 3.

⁶² Cox, Duituturaga and Scheye, above n 39.

Level	Description
Individual	Individuals supported to deliver better quality services. Targets job-related skills and knowledge to support individual capacity to deliver better quality services.
Technical Groups	Technical Groups (also referred to as Functional Groups) strengthened for improved service delivery. Targets professional capabilities in specific technical areas such as human resource management, public financial management, and technical legal skills.
Agency/Institution	Institutions strengthened for better service delivery. Targets organisational improvements for improved service delivery such as leadership, women's professional participation, information management, and corporate planning.
Sector	Policing, justice and community services sector is supported to work together as a sector for better service delivery: involves support for whole-of-sector collaboration and coordination where useful for service delivery outcomes.
Community	Community supported to access policing, justice and community services. Targets the point of interaction between the community and sector to improve access to services.

The five levels are colour-coded in the table and program logic to match colour-coding used in the Capacity Development Strategy. The table below (at section 3.4 (v)) uses the same colours to depict how SRBJS will work across the five levels. The table depicts the mutually reinforcing relationship between the three pillars and five-level capacity development approach for achieving the EOPOs.

This capacity development approach complements the 70:20:10 co-location method used by AFP advisers to support their counterparts in the VPF.⁶³ In this 70:20:10 model, AFP advisers work alongside VPF counterparts, providing extensive on-the-job learning and mentoring. This support is bolstered through targeted technical training courses. To fully realise the benefits of the 70% on-the-job learning approach, it will be important for the program to build greater self-reliance and reduce dependency on program advisers, and increase capacity development effort in the Agency, Sector and Community levels as necessary to institutionalise improvements. This could involve developing the skills of senior and experienced VPF officers/managers, including their capacity to train and mentor their subordinates/colleagues.

It is important that the VPF are able to benefit from both this 70:20:10 model as well as initiatives linked to the broader capacity development program approach articulated above. For example, SRBJS capacity development activities that target women's professional participation and leadership should continue to be available for female VPF and JCSS officers alike.

SRBJS advisers will be supported to use the above-articulated approaches to capacity development in their work, as relevant. This reflects the findings of a program evaluation of capacity development in PJSPV that the capacity development approach, as outlined in the program's Capacity Development Strategy, requires the full support of advisers to be successful.⁶⁴

⁶³ The 70:20:10 Model for Learning and Development used by APF advisers in PJSPV holds that individuals obtain 70 per cent of their knowledge from job-related experiences, 20 percent from interactions with others and mentoring, and 10 percent from formal educational events.

⁶⁴ PJSPV, above n 61.

(v) Summary Table of Program Outcomes and Outputs

The table below sets out indicative outputs intended to *contribute* to the program goal, objective and outcomes. In the spirit of the program design as one which allows for flexibility and responsiveness, outputs listed below are not intended as an exhaustive list. Rather, the table features a select few outputs to illustrate the integrated nature of the program. For ease of reference, it should be read in conjunction with the program logic. The table shows how the outputs contribute to the intermediate outcomes (IOs) and end of program outcomes (EOPOs) as well as the interrelationship between the three pillars and five capacity development levels (or integrated five-level approach for strengthening service delivery). The table also shows that some of the indicative outputs fall under more than one pillar, relate to more than one capacity development level, and contribute to more than one IO and/or EOPO — this is a feature of the integrated program approach.

Indicative Outputs	Pillar			Capacity Development Level(s)					Contribution to IOs	Contribute to EOPOs		
Expert policing advice is provided	1	2	3						All IOs	1	2	3
Expert law and justice advice is provided	1	2	3						All IOs	1	2	3
Sector agencies and civil society organisations are funded to deliver more services		2	3						IOs 9, 13, 14 & 15		2	3
VPF is supported to deliver more crime prevention activities, conduct more police patrols, and respond to more incidents	1	2	3						IOs 8, 9, 13, 14 & 15		2	
VPF rotations and visits are supported	1	2							IOs 8 & 9		2	
VPF infrastructure & maintenance is supported	1	2	3						IOs 8, 9, 13	1	2	
Legal awareness/outreach activities are supported		2	3						IOs 10,11,12, 13		2	
Circuit Courts are supported									IOs 9 & 13		2	
Sector agencies are encouraged to use evidence from research in Malekula and Blacksands for planning tailored initiatives		2							IOs 9, 10, 11, 12 & 13		2	
“Community conflict managers” are supported to better understand the law, human rights and available policing and justice services		2	3						IOs 12 & 13		2	3
Community level processes and institutions are strengthened to be more in line with the law		2	3						IOs 12 & 13		2	3
Sector agencies are strengthened for improved handling of domestic violence offences	1	2	3						IOs 1, 2, 8, 9 & 13	1	2	3
Organisations such as VSDP are supported for service delivery for persons with disabilities			3						IO 15			3

3.5 Operating Principles

In order to attain the end of program outcomes in an effective, meaningful way, SRBJS will operate according to the following principles. These principles, or themes, cut across the three pillars and infuse SRBJS support to the sector. They are contained in the program logic to show that achieving the intermediate and end of program outcomes, in a meaningful way, relies on these principles.

- **Partnership and mutual accountability:** GoV and GoA jointly commit to achieving the end of program outcomes — collaborative action is required to contribute to sustainable benefits. Joint program governance and management arrangements (set out below at section 4.1) support GoV ownership of SRBJS and provide responsive guidance for activity implementation. GoA is accountable for the commitment to support the sector for four years, and GoV is accountable for efficient and effective delivery of development results.
- **Sustainability and ownership:** SRBJS emphasises sustainability of support so that the benefits of an activity are likely to continue after donor funding has been withdrawn. The focus is on the longevity of development cooperation's benefits or effects, rather than particular projects or activities themselves.⁶⁵ An example of where PJSPV sought to promote sustainability (and which should continue in SRBJS) is to work with VPF members to implement cost neutral or low cost solutions to policing, such as more foot and bicycle patrols. This has the dual benefit of reducing fuel costs and also increasing police visibility and community engagement.

SRBJS must be realistic and nuanced about what sustainable development assistance looks like in the Vanuatu context, and the time-frames for achieving sustainable outcomes. Scarce resources, geographic remoteness and the spread of the population across many islands pose particular challenges. There are major threats to the sustainability of the proposed outcomes of the program, for example: lack of sustained holistic (whole-of-government) support for strengthened justice outcomes, combined with a lack of informed, publically expressed demand or pressure for service delivery improvements. Also, the limited ability of the public sector to retain lawyers significantly impacts on the return on program investment in legal capacity development for lawyers of the public sector. (Low salaries,⁶⁶ working conditions, conditions of admission to practice, and lack of clear career pathways act against retention of lawyers.) This, in turn, has consequences for the service delivery capacity of public law offices.

To try to achieve sustainable outcomes, SRBJS support should be dependent on each of the following four conditions of ownership:

- i. Counterparts need to articulate a demand for aid

⁶⁵ The *DAC Principles for the Evaluation of Development Assistance*, OECD (1991), Glossary of Terms Used in Evaluation, in 'Methods and Procedures in Aid Evaluation', OECD (1986), and the *Glossary of Evaluation and Results Based Management (RBM) Terms*, OECD (2000). There are varied understandings of the term, for example, some definitions focus on the endurance of the project or post-project activities alone, rather than the endurance of the results.

⁶⁶ PJSPV is providing support through the Legal Salary Review, to be finalised in 2016.

- ii. Counterparts need to exercise some control over the support and/or resources provided
- iii. Counterparts need to invest at least some of their own assets (time, energy and/or resources) so that they have a real stake in the way assets are used
- iv. Counterparts need to have clear assignment of responsibility and be able to participate in decisions about commencement, continuance or non-continuance of any initiative⁶⁷

These should be integrated through SRBJS support and inform dialogue with partners.

The SRBJS approach to sustainability will also build on the findings of a sustainability assessment currently being conducted by PJSPV. The initial findings of the assessment highlight the following considerations for sustainability in the program: context, ownership, people and relationships, fostering self-reliance, and applying principles for effective, sustainable development assistance. While these may seem somewhat obvious and trite, they are relevant for individual practice and program philosophy and can be difficult to operationalise in the context of PJSPV.

- **Information sharing and evidence-based decision making:** SRBJS will encourage and support information sharing between: sector agencies to improve management and planning; with other parts of GoV to strengthen collaboration in progressing sector priorities; with other donors and programs to support donor coordination and harmonisation; and with the community to raise understanding and awareness and build demand for services. Information captured through the program's M&E initiatives will be shared to inform management, accountability and reporting requirements for the VPF and JCSS. This could include supporting the provision and use of an evidence base for decision making, including through use of information systems such as case and data management systems.
- **Gender equality and women's empowerment:** Women and girls in Vanuatu are vulnerable: most lack access to justice. Also, women remain under-represented in policing and justice professions and there are substantial barriers to their professional participation at all levels of the sector. Accordingly, gender mainstreaming is applied throughout the SRBJS design, and features across the three pillars. This aligns with the Australian aid program's *Gender Equality and Women's Empowerment Strategy*, particularly the priorities of enhancing women's voices in decision-making and leadership and ending violence against women and girls.⁶⁸

The focus on gender equality also reflects Vanuatu's *National Gender Equality Policy* and the stated commitment of GoV to take proactive steps to embed gender equality into its legislation, policies, programs, organisational structures and operational procedures.⁶⁹ SRBJS will adopt a twin-track approach to promoting gender equality and women's

⁶⁷ Elinor Ostrom, *Aid, incentives, and sustainability: an institutional analysis of development cooperation. Main report* (Sida, 2002).

⁶⁸ DFAT, above n 12.

⁶⁹ DWA, 'National Gender Equality Policy 2015-2019' (Department of Women's Affairs, 2015).

empowerment: on one track, SRBJS will target two priority issues: (i) violence against women, and (ii) women's professional participation and leadership in the sector. These will be priority work areas with dedicated program resources, with progress tracked against specific indicators and outcomes.

On the second track, SRBJS will consider gender issues in all aspects of implementation. Some indicative activities include: updating the program's gender strategy to reflect progress, changes in programming, and any contextual shifts; support for improved sector responsiveness and support to women who experience crime, particularly family and gender-based violence; and raising gender issues in dialogue with sector representatives (including leaders), decision-makers and in public forms. (Specific areas of program support for gender justice are described above at section 3.4.)

- **Disability inclusiveness:** In line with GoV and GoA policy frameworks and the Convention on the Rights of Persons with Disabilities (to which Vanuatu and Australia are States Parties), SRBJS will seek to help GoV protect, respect and fulfil the human rights of persons with disabilities.⁷⁰ This will include providing support to sector agencies to respond more effectively to the needs of persons with disabilities, including promoting more equitable access to policing and justice services. In previous iterations of the program, support has been provided to expand awareness of disability rights as well as for some targeted service delivery activities. The design advocates for continued program support for disability-inclusive development (see section 3.4 (iii)). A disability analysis is set out at Annex 3. SRBJS could also develop a Disability Inclusion Strategy once program implementation has commenced.
- **Child protection and juvenile justice:** Vanuatu acceded to the Convention on the Rights of the Child in 1992, which includes special protection measures for Juvenile Justice.⁷¹ Child Desk, MCJS leads GoV response on child protection, and juvenile justice is one of the JCSSS strategies. Most sector agencies have signed a juvenile justice Memorandum of Understanding (MOU) to progress procedural juvenile justice issues within the sector. This resulted from a workshop conducted by the Pacific Judicial Development Program (PJDP) in 2013. The design incorporates a focus on child protection, access to justice for children, and youth in conflict with the law, in line with GoV priorities and clear areas of need.

DFAT's *Child Protection Policy* states that DFAT has zero tolerance for child abuse.⁷² The managing contractor and any NGO receiving SRBJS funds, and who will work with children, will be required to have a child protection strategy and meet DFAT standards.

- **Anti-corruption:** Anti-corruption in Australian aid programs is guided by DFAT's 2015 Governance Strategy.⁷³ It highlights the role of public sector management, and public

⁷⁰ DFAT, above n ; Ministry of Justice and Social Welfare and National Disability Committee, 'National Disability Policy and Plan of Action 2008-2015' (2008). Disability Desk, MJCS is currently developing a new policy on the promotion and protection on the rights of people living with disabilities. Vanuatu ratified the UN Convention on the Rights of Persons with Disabilities (UNCPRD) in 2008.

⁷¹ See especially articles 3 and 40.

⁷² DFAT, 'Child Protection Policy for the Australian Government's aid program' (Department of Foreign Affairs and Trade,).

financial management reforms in particular, in reducing corruption. The design promotes greater accountability and improved financial and human resource management within the sector. This is intended to reduce opportunities for corruption *within the sector* while also improving service delivery and stimulating demand for services. In SRBJS, AFP and the managing contractors' systems will guard against fraudulent use of Australian funds.

To help counter corruption, SRBJS will support the sector to strengthen data collection and information management. SRBJS will also provide support for public financial management risk assessments, increased transparency in court case management and improved financial management including audit and budgetary processes across all sector agencies. A focus on merit-based, transparent and ethical human resource management will also be an important element of the program's approach to anti-corruption (for the program and sector).

3.6 Form of Aid

The form of aid is predominantly a Partnership managed by DFAT and implemented by a managing contractor and the AFP. Previous fiduciary risk assessments and advice of the PJSPV Public Financial Management Adviser indicate that GoV financial systems in the sector require further enhancements to receive donor funds. The Partnership incrementally allows for increasing funds to be directed through GoV systems as public financial management improves within MJCS, VPF and other sector agencies. At the moment, however, it is judged that systems need significant development for this to occur. Perhaps during the second half of SRBJS, small funds could be put into GoV systems. This would be predicated on significant enhancements to the systems, elevated capacity of GoV officers managing them, and the findings of a DFAT public financial management assessment.

This design advocates for balanced decisions to be made about advisers conducting, at times, in-line work, and at times purely advisory work. Similarly, as SRBJS progresses, strategic decisions will need to be made about whether to fund activities directly or to use GoV systems to fund and also manage activities. SRBJS has been designed so to allow for flexibility in decision-making about how best to channel technical assistance and funds to the sector over the four year program cycle — the intention is to facilitate responsiveness to contextual shifts. Currently in PJSPV, program funds must be paid directly to suppliers. The exception to this is partners managing funds for activity implementation in provincial locations: small funds are released to partners, for immediate acquittal as soon as practicable after expenditure. GoA recognises there are systemic issues which may mean advisers bypass partner systems. Where this occurs, a dialogue should follow with GoV to discuss why GoV systems were not used and how systems can be strengthened. Although GoV financial systems might not be used, GoV procurement and other processes should be used wherever possible.⁷⁴

⁷³ DFAT, above n 13.

⁷⁴ This has been the approach with Australian assistance to the VPF and in tenders for information systems.

3.7 Delivery Mechanisms

The table below sets out the types of delivery mechanisms that will be used. The table shows how SRBJS features a mixture of delivery mechanisms: provision of experts and other technical assistance, financial contributions to core sector agencies, provision of grants, infrastructure support, information systems support, and support for participation in select regional networks.

Delivery Mechanism	Description
Program funding for provision of experts and other technical assistance	Program funding for technical assistance (experts, consultants, academics, researchers, volunteers), capacity development activities (such as conferences, seminars, workshops, exchange visits and publications), and research. Increasing use of GoV systems over time as capacity increases.
Core agency funding	Core agency funding will be provided to MJCS and VPF for some staffing and operational costs, initially through program funding and increasingly through GoV systems as capacity increases. (Such support may similarly be provided to other sector agencies for specific service delivery improvements.) Any decision on the use of GoV financial systems will be made with reference to (i) progress implementing recommendations of AusAID's Assessment of Public Financial Management Systems (2013) ⁷⁵ and (ii) findings of a new DFAT assessment (due in 2017).
VPF Operational Fund	<p>As one aspect of core agency funding, SRBJS will provide funding to enable VPF operational functionality and general maintenance. In terms of the breakdown in use of funds, it is suggested that:</p> <ul style="list-style-type: none"> • Up to 10% of the fund 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 • 25% of the fund be reserved for operations with dedicated allocations for targeted provincial areas • 20% of the fund be reserved for proactive and targeted policing initiatives and activities (e.g. crime prevention/community engagement, family protection/domestic violence prevention and response, professional standards/accountability) • 25% of the fund be reserved for capacity development activities • 20% of the fund be reserved for general maintenance (e.g. infrastructure, vehicles and equipment) including in targeted provincial locations <p>Figures are indicative and intended to serve as a guide; they may be updated as the program progresses.</p>

⁷⁵ AusAID, 'Assessment of the Law and Justice Sector and Vanuatu Police Force Public Financial Management Systems' (Australian Agency for International Development, 2013).

Delivery Mechanism	Description
Grants Facility	Flexible mechanism for grants of up to VUV 5M each to be awarded to JCSS agencies and NGOs. Grants are intended to contribute to the attainment of agency and sector development intentions. For example, grants may support/progress implementation of the JCSS Sector Strategy and/or outputs identified in agency strategic, business or annual plans, not funded by GoV. The grants facility will be accessible for capacity development by stakeholders as well as small infrastructure assistance where it would support JCSSS implementation and/or implementation of the agency-level strategic/business/annual plans.
Infrastructure/Assets	As a minor part of the program, some support for minor infrastructure and refurbishments in accordance with the JCSS Infrastructure Plan. *The sector is currently developing an Infrastructure Plan which should be used to guide SRBJS support.
Information Systems	Funding for purchasing/upgrading of information systems. Examples might include case management, incident management, offender management, and financial management information systems.
Regional Networks	<p>This mechanism centres on a 'By Pacific for Pacific' development approach. It aims to strengthen regional ownership, relationships and program relevance while simultaneously decreasing reliance on donors. SRBJS will support sector representatives to participate in/collaborate with Pacific regional programs, networks and institutions, where they are directly relevant to the outcomes of the program, and are supported by the Governments of Vanuatu and/or Australia. Some examples include:</p> <ul style="list-style-type: none"> • <i>Fiji Women's Crisis Centre (FWCC)</i> — support for VWC, VPF and justice and community services agencies to participate in training provided by FWCC on gender, human rights and violence against women issues. This might also include collaborative efforts to develop Vanuatu-specific training events and resources • <i>Pacific Island Chiefs of Police (PICP)</i> — PICP comprises 21 Pacific police services and works to improve policing by providing a common voice on law enforcement, a forum to share ideas and information as well as coordination of development activities. SRBJS may provide support for the VPF Commissioner or delegate/s to participate in and contribute to the annual conference and executive leadership team processes. Also, PICP focusses on eight thematic areas including four regional networks and groups relevant to SRBJS support: <ul style="list-style-type: none"> ○ Pacific Forensics Working Group (PFWG) — PFWG aims to enhance sustainable police forensic capability by identifying and implementing sustainable forensic capacity development activities for the Pacific region. The PFWG provides a forum for sharing information on forensic training and knowledge. SRBJS will continue to support VPF participation in this group — VPF has previously drawn on this network to source pathologists and forensic specialists for specific cases and operations. ○ Pacific Police Training Advisory Group (PPTAG) — PPTAG aims to improve the relevance, effectiveness

Delivery Mechanism	Description
	<p>and sustainability of police training in Pacific Island countries. SRBJS will continue to support the VPF training college to attend the annual conference, maintain relationships with regional trainers, and share experiences/resources.</p> <ul style="list-style-type: none"> ○ Women's Advisory Network (WAN) — the PICP WAN seeks to support and enhance the contribution of women in policing. This occurs by advising the PICP on issues affecting women in Pacific policing, sharing knowledge, promoting good practice, supporting women in policing, and advocating for domestic action to promote gender equality. SRBJS will continue to support the VPF local WAN and the broader sectoral women's leadership group. SRBJS and AFP will continue to support VPF participation, including male advocates, in PICP WAN activities. ● <i>Pacific Islands Law Officers Network (PILON)</i> — PILON is a network of senior public law officers from Pacific Island countries; PILON focuses on common legal issues within the Pacific region. PILON holds annual meetings, often supported by the Australian Government Attorney General's Department (AGD). SRBJS will liaise with AGD to support the participation of ni-Vanuatu public sector lawyers. ● <i>Pacific Police Policy Network (3PN)</i> — 3PN provides an opportunity for policy practitioners in Pacific police and legal services to develop capabilities in identifying strategic policy priorities, reviewing and developing policies and developing sound communication and implementation strategies. Vanuatu hosted a 3PN meeting in 2015. SRBJS should continue to support VPF CSU and representatives of other relevant public law offices (e.g. SLO) to participate in 3PN initiatives.

3.8 Links to other Development Programs and Initiatives

A number of development programs and aid-funded initiatives support or interface with the policing, justice and community services sector. SRBJS will seek to harmonise its efforts with other development agencies and programs so to maximise synergies and avoid duplication. It will do so in part through sharing of information with other donors and, where appropriate, working with MJCS to strengthen its donor coordination role. Below is an overview of initiatives with which SRBJS will work to this end.

(i) Synergies with other Australian-Funded Development Programs and Initiatives

Governance for Growth

Governance for Growth supports GoV by removing constraints and bottlenecks to economic growth, strengthening service delivery capacity through policy, regulatory and management reforms, and improving public financial management. The program supports policy and management roles in a number of agencies, including the Prime Minister's Office and the Ministry of Finance and Economic Management. This involves working closely with GoV officials on economic and financial reforms, developing sound financial management systems, and supporting better planning and coordination of development initiatives. The program complements the efforts of SRBJS to improve public financial management in sector agencies.

Pacific Leadership Program (PLP)

The PLP is a regional program which works with a range of partners to identify, shape and lead developmental change. PLP supports inclusive and durable change through the exercise of collective leadership: in Vanuatu PLP works with the Department of Women's Affairs, Transparency International (Vanuatu Chapter), Oxfam and TVET. The potential links between PLP and SRBJS are around working with leaders for change, Transparency International on legal awareness, and DWA on legal awareness training.

Pacific Patrol Boat Program

The Pacific Patrol Boat Program is part of the Australian Government's commitment to working with regional partners to enable cohesive security cooperation on maritime surveillance, including in fisheries protection and transnational crime. Two Australian Defence Force members currently support the VPF Maritime wing through technical assistance and funding.

Pacific Police Development Program (PPDP)

The PPDP is delivered by AFP and Australian Attorney-General's Department (AGD) comprising bilateral and regional assistance for police development and legislative mandates and frameworks. PPDP-Regional (PPDPR) — a regional component of PPDP — supports a number of Pacific regional initiatives, networks and institutions. Through the AFP, SRBJS will continue to complement and leverage PPDP and PPDPR support. PPDP/PPDPR initiatives include collaboration with Pacific Island Chiefs of Police (PICP), Australasian Council of Women in Policing (ACWAP), Fiji Women's Crisis Centre, RRRT, the University of South Pacific and the Australian Institute of Police Management.

AGD's component of PPDP provides support for strengthening of the legal policy development and law reform capabilities of Pacific justice agencies (through a twinning program and legal policy training program), support for the Pacific Islands Law Officers Network to drive and implement

policy reforms on priority issues such as gender based violence, and partnering with Pacific Island institutions to jointly develop and implement criminal law and policing reforms in a range of areas.

Pacific Women Shaping Pacific Development (Pacific Women)

A 10 year program supporting women's development across the Pacific region. The Vanuatu Country Plan for Pacific Women was completed in April 2014 and includes the following activities:

- Support for introduction of reserved seats for women at the Provincial Council level
- Increased economic opportunities for and empowerment of women market vendors
- Strengthening of Vanuatu Technical and Vocational Education and Training to improve training and employment opportunities for women
- Strengthening of Vanuatu's response to violence against women (through Vanuatu Women's Centre, see below)
- Strengthening design, monitoring and evaluation of Australian aid initiatives to better respond to the needs of women and girls

The Vanuatu Country Plan has recently been reviewed and is being revised. The activities dovetail with LSJ efforts to improve justice outcomes for survivors of violence against women and to promote gender equality and women's empowerment.

Regional Rights Resource Team (RRRT)

Housed within the Secretariat of the Pacific Community, RRRT provides human rights training, technical support, policy and advocacy services across, and tailored for, the Pacific region. In Vanuatu, RRRT has an officer working within the Ministry of Justice and Community Services. The work of the RRRT officer includes: legal policy reform, legal awareness and training, supporting the National Human Rights Committee, and supporting implementation of the FPA including advancing work on Authorised Persons and Registered Counsellors under the Act. There is a clear intersect between the work of RRRT and SRBJS, especially in supporting implementation of legislation on domestic violence.

UNDP-UNODC: UN Pacific Regional Anti-Corruption Project

Supports Pacific Island countries strengthen their capacity to address corruption in order to provide better service delivery and development outcomes for their populations. In Vanuatu, the project works closely with MJCS, the SLO and the National Human Rights Committee. SRBJS should coordinate with the project to ensure there is no duplication in support to sector agencies.

United Nations Children's Fund (UNICEF)

DFAT's support for UNICEF runs until 2017 and focuses on:

- Supporting and cooperating with MJCS Child Desk particularly on child rights, child protection and provincial work in Tanna, Erromango, Port Vila and Santo
- Finalising the national Child Protection Policy
- Strengthening partnerships with the Ministries of Sport and Youth, Health, Internal Affairs and Education
- Finalising birth registration support, particularly post Cyclone Pam
- Supporting community access to information on child rights and child protection

Consultations for the 2018 UNICEF Country Plan and 2018-2022 Country Program are scheduled to begin in 2016, relevant for SRBJS's approach to and work on child protection.

Also, UNICEF is supporting child protection system strengthening in two communities in Sanma and Tafea and three communities in Penama. This involves strengthening provincial child protection working groups/committees for coordinated provision of services at the provincial level and linking with community-based child protection mechanisms. In 2016, UNICEF, together with Save the Children, will support target communities to develop a referral protocol which involves police and justice actors as well as non-state actors. As Sanma and Tafea Provinces will also be targeted through SRBJS, there may be some scope for collaboration there, or at least complementarities.

Vanuatu Women's Centre (VWC)

VWC coordinates a national program of prevention and response services. Its national headquarters are in Port Vila, with four provincial branches — Sanma Counselling Centre, Tafea Counselling Centre, Torba Counselling Centre, and Malampa Counselling Centre. VWC has a rural volunteer network of 44 Committees Against Violence Against Women and a national network of volunteer "male advocates". DFAT has committed to funding VWC through to 2021. VWC prioritises the following policing, law and justice issues:

- Monitoring implementation of VPF Standard Operating Procedures (SOPs) for Family Violence Prevention and Response (June 2015), including through the establishment of Violence Against Women Task Forces comprised of police and other stakeholders — located at the branch-level and in Port Vila
- Having a VPF officer stationed at VWC in Port Vila as well as in each Branch (for a designated number of days per week) in order to improve handling and progression of domestic violence cases through the justice system
- Lobbying for full legislative compliance with the Convention on the Elimination of All Forms of Discrimination Against Women
- Advocating for legislative review and reform (including of family law provisions, adoption, discrepancies regarding the legal age of marriage, and the penal code)
- Working to make the court system more child friendly
- Advocating for more consistent sentencing for sexual offences
- Collaborating with the National Human Rights Committee

The work of VWC aligns closely with the focus of SRBJS on addressing violence against women and children. In particular, VWC's presence in provincial locations supports the program's intention of working to help improve people's access to justice and corresponding emphasis on access to justice for survivors of violence against women and children.

Wan Smolbag Theatre (WSB)

WSB uses drama (and workshops facilitated by actors) to inform, raise awareness and encourage public discussion on a range of contemporary social issues. WSB also runs programs in education, environment, governance, health and youth issues addressing themes including waste management, electoral rights, domestic violence and HIV/AIDS. WSB has links with the Blacksands community and fulfils a role in mentoring and counselling youth from that area. There are opportunities for SRBJS to

collaborate with WSB to develop an appropriate approach to strengthening community safety in Blacksands, particularly with respect to fostering stronger relations between youth and the police. There may also be scope for SRBJS to partner with WSB for the provision of counselling for perpetrators of domestic violence (beginning with training counsellors).

(i) Coordination with other Donor-Funded Development Programs and Initiatives

In-line adviser support to Supreme Court of Vanuatu: New Zealand & Commonwealth Secretariat

New Zealand and the Commonwealth Secretariat each provide an in-line judge to strengthen the institutional capacity of the Supreme Court; Commonwealth Secretariat also provides a Court Master. This technical assistance aims to reduce backlog of cases and improve the administration of justice.

New Zealand support for the Vanuatu Department of Correctional Services

New Zealand Government Ministry of Foreign Affairs and Trade (MFAT) provides budgetary support and technical assistance to the Vanuatu Department of Correctional Services. Support focuses on infrastructure (Luganville Correctional Centre), organisational planning and some limited capacity development support (provided by the New Zealand Department of Corrections). This support is expected to continue until at least mid-2017.

Partnership for Pacific Policing (3P)

3P is a New Zealand MFAT funded regional policing program delivered by New Zealand Police. The objective of the program is to support and facilitate strengthening of community policing. 3P is currently being reviewed, the findings of which will inform a new phase of support post-2016. The new phase of 3P is expected to feature an emphasis on supporting the VPF in accordance with their Strategic Plan. This could complement SRBJS support in relation to community engagement, crime prevention, and responses to family and gender-based violence. Also 3P could complement SRBJS initiatives that go towards achieving intermediate outcomes 8 and 9: part of the 3P mandate is to go out to communities as part of a targeted community outreach patrol plan (3P assists VPF officers conduct outreach patrol planning).

Pacific Judicial Strengthening Initiative (PJSI)

The PJSI builds on the New Zealand-funded Pacific Judicial Development Program and aims to develop the capacity of Pacific judiciaries including agency systems and processes. By developing a culture of judicial education and professional development, PJSI aims to strengthen the ability of Pacific judiciaries to play their role in the region's system of government and contribute to promoting a culture of good governance and prompt access to justice. PJSI will run until 2020. To note also, it will be important for PJSI and SRBJS to closely coordinate on proposed public legal education/outreach activities as well as assistance to the on Magistrate's Court on family violence to avoid any duplication.

Pacific Prevention of Domestic Violence Program (PPDVP)

The PPDVP is a joint initiative of the New Zealand MFAT, New Zealand Police, and the Pacific Islands Chiefs of Police: PPDVP's vision statement is "a safer Pacific free from domestic violence". From 2017, a third phase of PPDVP will commence. Program advisers collaborate with PPDVP representatives to strengthen police prevention and handling of domestic violence offences — this will continue in SRBJS. In particular, the newly created adviser role that works to support improved

VPF handling of domestic violence offences (Police Family Protection and Community Engagement Adviser) will specifically complement PPDVP work. That adviser will link closely with PPDVP and work in complementary and collaborative ways.

UNWomen: Advancing Gender Justice Program

UN Women has recently commissioned and completed research on women and children's access to the state justice system in Vanuatu.⁷⁶ Research findings are expected to inform future UN Women support to the sector.

UN Women currently works on primary prevention of violence against women through its Pacific Fund grantees: the Vanuatu Christian Council and DWA. This includes support for the Vanuatu Christian Council's delivering faith, gender and human rights training and DWA's work to implement the Family Protection Act. Also, UN Women is looking to continue to support programming focused on violence prevention, particularly related to community-based initiatives aimed at transforming social norms that condone and tolerate violence against women and girls.

4. IMPLEMENTATION ARRANGEMENTS

4.1 Program Governance and Management Arrangements

(i) Delivery Structure

The program will work across policing, justice and community services agencies and institutions. It will be implemented jointly by AFP and a managing contractor. The program will work closely and collaboratively under the direction and oversight of DFAT. The program leadership team will consist of three positions: Program Coordinator (Justice), Program Coordinator (Policing), and Senior Manager. The Program Coordinator (Justice) and the Senior Manager will be engaged by a managing contractor; the Program Coordinator (Policing) will be an AFP officer.⁷⁷

In PJSPV, a Deputy Partnership Coordinator role provided support to the Justice Coordinator under SRBJ and also to the VAPP Coordinator after July 2014. Over time, and based on the need for enhanced harmonisation and planning across the program, this position began to provide an integral cross-program support function. For program coherence from both a technical and operations point-of-view, this design formalises the cross-sector nature of this position to be known now as the Senior Manager.

A managing contractor manages, and will continue to manage, all program support for justice and community services. The managing contractor will also continue to manage all program finances, AFP in-country non-salary benefits (housing, communications etc.), and have overall responsibility for recruitment of all international and national program staff and advisers, other than AFP personnel. AFP personnel will be jointly selected by AFP, GoV and DFAT. AFP will be responsible for the management of AFP personnel. AFP manages, and will continue to manage, assistance provided to the VPF by AFP personnel. Also, there will be reporting through the Head of Mission, as the

⁷⁶ Lister, Rosenthal and Sumner, above n 22.

⁷⁷ The job titles for these three roles are suggestions only and should be discussed and confirmed so that the job titles accurately reflect the functions of each position.

person responsible for the Australian aid budget in Vanuatu. The AFP and the managing contractor will jointly coordinate support provided by advisers that work across the program (that is, that provide expert advice across policing, justice and community services). This management model facilitates program cohesion and efficiency while requiring a proportionate level of DFAT oversight relative to the program's value and risk profile.

For clarity, an organigram is provided as an annex (Annex 2). It is a visual representation of the program management and reporting structure. As part of this it shows the key program positions detailed below in section 4.2 (ii).

(ii) Management Structure

The program will use the following three-tiered management structure:

1. The two Program Coordinators (Policing) and (Justice) are responsible for the technical implementation and strategic direction of the program, including the technical output of advisers. The Senior Manager is responsible for technical and management support to the two Program Coordinators (Policing) and (Justice), management of program administration and finances, and harmonisation/cohesion of the program across the sector.
2. Partnership Management Groups (PMG) have primary responsibility for management decisions for program implementation*
3. HOAG⁷⁸ meets quarterly and is responsible for the high-level governance and oversight of the program. The HOAG includes all heads of agencies from across the policing, justice and community services sector

*There are separate PMGs for policing and for justice and community services — this approach will be retained in SRBJS. The PMG for justice and community services is comprised of the Director General of MJCS, DFAT and managing contractor representatives; meetings will be held monthly. Program Coordinator (Policing) and the Commissioner of the VPF will be invited to attend. The PMG for policing is comprised of the VPF Commissioner, DFAT representatives and AFP personnel; meetings are held on a quarterly basis. Issues discussed at PMG meetings may be elevated to HOAG as required.

(iii) DFAT-AFP-Managing Contractor Joint-Planning

To strengthen program cohesion and collaboration, the managing contractor, AFP and DFAT will establish an annual joint-planning process to progress whole-of-sector outcomes. A priority early in

⁷⁸ The HOAG is comprised of GoV representatives 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. On occasion, representatives of civil society organisations are invited to attend.

the first year of SRBJS will be to jointly develop and agree to a one year work plan (or implementation plan). This should include an overview of how shared resources (human and financial) should be allocated. Planning should be informed by monitoring and evaluation data and capture relevant work undertaken by agencies and organisations across the sector. The joint work plan should be sufficiently flexible so to allow for responsiveness to emerging and/or unanticipated issues. This will then be done on an annual basis.

DFAT will chair monthly meetings with the two Program Coordinators and Senior Manager to discuss joint work plan implementation, strategic issues, and opportunities for increased cohesion and collaboration.

(iv) Procurement Arrangements and Program Operations

The managing contractor will be selected by open international tender. The contract will be for a four year period, from January 2017 until December 2020, with the option for a four year extension subject to a review of program effectiveness, continued relevance, contractor performance, and available funding.

All procurement will be consistent with the principles of the Australian Commonwealth Procurement Rules. An initial task for the managing contractor will be to update the program operations manual for DFAT to review and endorse. This will involve updating/confirming, among other things, the financial management and procurement processes for the program.⁷⁹

The managing contractor will provide a flexible management and administrative capability to deploy and manage a team of national and international advisers (other than AFP personnel, as per the above). The managing contractor will also manage contracts for technical assistance and other services, procurement of goods, and infrastructure. Implementation arrangements will promote high levels of administrative efficiency while guarding against fraud risk. The managing contractor will also provide technical, managerial and administrative resources to support delivery of the program.

For efficiency, the managing contractor will manage non salary expenses associated with the deployment of AFP personnel within agreed terms and conditions with the DFAT. AFP personnel will continue to manage the support to policing in accordance with DFAT and internal AFP requirements. AFP will be responsible for the technical performance of the program support to policing, and will have the administrative and management capacity of the managing contractor for non-AFP staff and

⁷⁹ Examples of ways in which program systems and processes will guard against fraud, nepotism and corruption include: using transparent processes in the selection of local service providers or entering into any other contractual arrangements; procedures to minimise perceived or actual undue influence and corruption where activities are conducted in the community of any program personnel; clearly articulated financial management and operating procedures that are followed by management and operational staff and continually monitored for accuracy and completeness (with a 'zero tolerance' position on fraud). This includes financial management processes that enable all funds to be tracked, justified, reported on and audited (where required) to confirm approvals for expenditure and use of value-for-money criteria; and encourage use of merit-based selection processes for recruitment, promotion and selection for training programs with all partners.

all financial services. AFP will pay for AFP adviser costs and seek reimbursement from DFAT on a quarterly basis.

The managing contractor will also assist partners to manage program funding, grants, and support for small scale infrastructure and refurbishments. Emphasis will be on providing a supportive and strengths-based approach to implementation and partner engagement, particularly around shared administrative arrangements with GoV. The managing contractor will also manage the VPF Operational Fund in conjunction with the Program Coordinator (Policing). Where GoV financial systems are used for the management of aid funds, this must be informed by AusAID's Assessment of Public Financial Management Systems (2013) and the findings of a new DFAT assessment (due in 2017). It is intended that GoV financial systems will be used increasingly as public financial management capacity increases. It is, however, anticipated that stricter financial controls will need to be put in place by GoV before this can occur. Any use of GoV systems will be conducted in close collaboration with DFAT. (Use of partner systems is discussed in more detail above at section 3.7.)

The managing contractor will manage official development assistance funding on a reimbursable basis. The managing contractor will use its funds for all implementation and then seek reimbursement for costs on a monthly basis. Risk associated with fraud and financial mismanagement generally will be borne by the managing contractor in the first instance. Funds will only be reimbursed by DFAT with evidence of effective management. Also, adequate cash flow and funds to support the needs of the program will be at the risks of the managing contractor.

(v) Review of Implementation Arrangements

After two years of program implementation, DFAT will review the implementation arrangements: program governance and management arrangements, personnel, and risk. This is intended to help ensure that implementation arrangements are and remain fit-for-purpose.⁸⁰

4.2 Resourcing: Financial and Human

(i) Budget

Approximately 5.5 million AUD per year for four years has been allocated to SRBJS.

(ii) Personnel

As in the previous phase/iterations of the program, technical assistance (also referred to as advisers) will be recruited jointly with DFAT, GoV representatives, counterparts and implementing partners.

⁸⁰ This review will be covered under separate DFAT funding to the funding allocated to the program. It may be broader than governance and management arrangements and also consider program effectiveness/progress.

While this approach means the recruitment process is more time consuming, joint participation in all aspects of recruitment — developing terms of reference, shortlisting candidates, interviewing and ranking applicants, selecting advisers and managing performance of those personnel — has proven beneficial. It has resulted in strong engagement with and ownership of technical assistance provided. All advisers will be engaged only with the direct support from the Government of Vanuatu.

Counterparts will play a role in determining the appropriate type of person for the position in addition to the technical skills of the adviser. Equal importance will be placed on the technical skills of the adviser as on their ability to communicate effectively, build productive working relationships, transfer knowledge and skills, and build confidence and self-reliance, not dependence, of counterparts. SRBJS will work on the basis and recognition that relationships of mutual understanding and trust are key for effective partnership in learning and development. Continuous change of personnel can be disruptive, demotivating and disengaging for counterparts so that every effort will be made to foster continuity of advisers.

International advisers: The team of proposed international advisers will remain largely unchanged. As in the previous iteration of the program (PJSPV), the team will be comprised of advisers engaged by the managing contractor and AFP personnel. The main changes proposed relate to:

- Novation of the role of Program Coordinator (Justice). A ni-Vanuatu team leader (for program support to justice and community services) was recruited during PJSPV. By novating this role, there is potential to ensure stable and consistent leadership of the program through donor funded program cycles
- Inclusion of a Technical Director (Justice) role to provide support to the Program Coordinator (Justice). They may also provide support for strategic planning, reporting, evaluations as well as ongoing program risk management
- Creation of the role of Senior Manager which replaces the former Deputy Partnership Coordinator position and recognises the cross-sectoral role of that position. They should have strong technical (policing and/or justice) and operations skills. They should also have a strong aid and development background and excellent communication and interpersonal skills
- Short term technical assistance to the Magistrates' Court and possibly also the Island Courts, subject to the agreement and priorities of the Chief Justice. For the Magistrates' Court, technical assistance will aim to reduce backlog of cases (through provision of an in-line Magistrate), strengthen the institutional capacity of the Magistrate's Court through training of Magistrates (in laws and procedure), and support for the administrative, managerial and operational functions of the Magistrates' Court. For the Island Courts, assistance might include support for Magistrates to train Island Court Justices as well as targeted training delivered by international technical expert(s) to Island Court Justices
- Dedicated advisory support to the VPF to improve handling of domestic violence offences, including support to the Family Protection Unit

- A long term Public Financial Management (PFM) Adviser to support improved PFM in policing and justice sector agencies and to facilitate the increasing use, over time, of GoV financial systems in accordance with the 2013 PFM assessment⁸¹
- A short term Human Resource Management (HRM) Adviser to support improved human resource management in policing and justice sector agencies, including expert advice and support in implementing the applicable HR Plan, advice and support for enhancing women's professional participation in the VPF and justice agencies, and situational leadership in key HR initiatives such as performance management, succession planning, employee profile regeneration, and salary structure refinement and management
- Transition of the Capacity Development and Leadership Adviser (CD&LA) role to a short term (rather than long term) position with inputs relating to strategic planning, oversight and quality assurance of capacity development activities. This is intended to allow for greater involvement and ownership of the capacity development portfolio by the MJCS⁸²
- A long term advisory position is envisaged to provide support to the VPF's CSU. This position could be an enhanced position working with senior members of staff, and it could be in-line position with high level management responsibility. While the position is budgeted for and supported by the design, the program will liaise with the VPF early in the program to resolve the details of this advisory support
- A short-term Legal and Policy Adviser to provide legal skills development for all of the lawyers across the sector as well as advice on a range of issues such as legislative reform, victim support, juvenile justice, support for vulnerable and at-risk groups⁸³

International advisers will be remunerated according to the DFAT Adviser Remuneration Framework.

Locally engaged personnel will also be selected jointly by SRBJS, GoV and DFAT and contracted by the managing contractor. Remuneration for personnel not subject to the ARF will be agreed with GoV and DFAT. Key locally engaged personnel roles are set out in the table below. The main changes relate to:

- Creation of a full-time Systems Officer role to work with the part-time international Case and Data Management Adviser to support sector agencies to implement and use systems
- Creation of a Project Officer (Access to Justice) role to lead on implementation of select program activities addressing access to justice, including for survivors of violence against women and children. The role has responsibility for coordinating program support in this area

⁸¹ AusAID, above n 75.

⁸² This change is in line with the findings of the PJSPV evaluation of capacity development support: PJSPV, above n 61. It also reflects progress made in this area during PJSPV.

⁸³ This position should work closely and collaboratively with the PSO and OPP Advisers who also have some responsibility for legal skills development for lawyers (both in the respective agencies and across the sector).

The table below does not list program administration roles. Proposals (in the tender selection process) should address (and cost) how program administration/operations functions will be executed.

Position descriptions (terms of reference) for all positions are provided in Annex 4.

Personnel	Indicative ARF or other Level
International Long Term	
Program Coordinator - Justice*	D3 (or novated position)
Program Coordinator – Policing	AFP designated position Superintendent (Band 9)
Senior Manager	C3
Adviser to the Public Solicitor’s Office**	D2
Adviser to the Office of the Public Prosecutor**	D2
Police Professional Standards and Learning Adviser	AFP designated position Sergeant (Band 6 – 7)
Police Prosecutions and Investigations Adviser	AFP designated position Sergeant (Band 6 – 7)
Police Family Protection and Community Engagement Adviser***	AFP designated position or D2 Senior Constable (Band 4 – 5) / Sergeant (Band 6 – 7)
Adviser, VPF Corporate Services Unit	C3
Public Financial Management Adviser	C2
International Short Term	
Technical Director – Justice	D4
Case and Data Management Adviser	D4
Adviser to the Magistrate’s Court	D3
Legal and Policy Adviser	D2
Human Resource Management Adviser	B2
Technical and Monitoring and Evaluation Adviser	C3
Capacity Development & Leadership Adviser - Justice	C3 – D3
National/Locally Engaged Long Term	
Systems Officer	N/A
Project Officer - Access to Justice	N/A
Discretionary Technical Assistance Pool (National and International)	
TBC****	

*This position is not currently an international position. If, for any reason, the incumbent is no longer able to continue in this role a new Coordinator would need to be recruited. It is quite likely they would be international given the small pool of suitably qualified people who are willing and available to fill the role within Vanuatu.

**Advisers to the PSO and OPP will also have responsibility for institutional strengthening of their offices beyond legal advice; and some responsibility for providing targeted skills development and learning opportunities for all lawyers from across the sector to build legal skills and knowledge (for example, designing and/or running trainings/workshops on aspects of legal practice). Both advisers will also have some responsibility for identifying law reform needs and may play a role in progressing law reform initiatives as appropriate. Further, both advisers may also support other legal and policy

activities. These functions are in addition to each adviser's regular support to PSO/OPP and should be reflected in terms of reference for both advisers. These functions should be carried out in a way that preserves the independence of the offices and does not risk creating any conflict-of-interest, perceived or actual.

*** If AFP is able to cover the cost of the position, or make a substantial contribution, then it is recommended as an AFP-designated position. Alternatively, the managing contractor can engage and manage an appropriately experienced adviser through a competitive selection process. Either way, the position should be engaged through a joint recruitment process involving AFP, DFAT and GoV.

**** Flexible mechanism for engaging technical assistance as needs/opportunities arise. For example, it may be used to engage advisers to assist on, for example, specific law reform initiatives, access to justice and child protection-related activities, pilot initiatives, and evaluation and survey work.

4.3 Monitoring and Evaluation

(i) Monitoring and Evaluation Approach and System Design

PJSPV's Monitoring and Evaluation (M&E) Plan sets out the M&E approach to tracking the progress and effectiveness of the program.⁸⁴ PJSPV's M&E Plan was designed with the following intentions:

- To support management evaluate the contribution to EOPOs
- To capture evidence for use to inform performance management and improvement, and accountability and reporting requirements
- To enable program management to provide robust reporting on the outcomes of effort and investment to the donor and counterparts
- To provide advisers and management with sound information to support and refine capacity development effort
- To reinforce the importance of evidence based decision-making for the program team

These intentions remain relevant for M&E in SRBJS.

While PJSPV's M&E Plan was designed to cover the period November 2014 – December 2016, it provides a sound basis on which to build the M&E in SRBJS. In the inception phase of SRBJS, the managing contractor will be required to develop a new M&E Plan. This should draw on the approach used in PJSPV's M&E Plan and it must also comply with DFAT's Monitoring and Evaluation Standards.⁸⁵

In particular, the PJSPV M&E Plan incorporates the following features recommended for continuation:

⁸⁴ PJSPV Monitoring & Evaluation Plan (November 2014), updated October 2015. The term M&E Plan represents the overall approach to M&E. The term M&E Framework represents the frameworks of indicators.

⁸⁵ DFAT Monitoring and Evaluation Standards, 2014, in particular Standard 2 on Initiative M&E Systems.

- **Response to contextual and sector complexity:** the context to which M&E responds features many diverse actors and institutions. The M&E approach also takes into consideration GoV international legal commitments as a State Party to international conventions.
- **Capture of information for JCSS, VPF and SRBJS:** information is intended to inform management, accountability and reporting requirements for VPF, JCSS and program. This could increasingly include supporting the provision of an evidence base for decision making by counterparts
- **Alignment with GoV priorities** including sector priorities articulated in the JCSSS and GoV Priority Action Agenda. The M&E Framework contains a number of outcomes and indicators which service the priorities and intentions of these strategic documents
- **Measuring program contribution:** the focus is on monitoring outcomes, on the assumption that activity completion (outputs) is the responsibility of program managers to monitor through other mechanisms. Yet it is essential to capture the extent to which the inputs and outputs delivered by the program have *contributed* to achieving agency and sector objectives. This is done through targeted evaluations and drawing on information gathered by advisers as part of their activity implementation
- **Working in partner government systems:** the M&E Plan uses agency systems to collect, store and analyse data on relevant indicators. Advisers have a role in developing the capacity of agency staff in evidence based performance. M&E will be transparent, jointly implemented, mutually supportive and conducted in cycles that support the GoV budget and planning cycles
- **Capture of disaggregated information:** while the program already seeks to capture information disaggregated according to gender and geographic location wherever possible, greater emphasis could be placed in SRBJS on collecting **disability-disaggregated** data. This would be intended to provide evidence about the extent to which people with disabilities are participating in and benefiting from sector and/or program initiatives. A greater emphasis more generally, through program and sector M&E, on the experiences of persons with disabilities and the local disability context, could help the sector and program respond more effectively to the needs of persons with disabilities.

(ii) Scope of the Monitoring and Evaluation Plan

The SRBJS M&E Plan will be designed to guide measurement of the EOPOs and IOs contained in the program logic (set out in section 3.3 above). Outcomes in the program logic are indicative and should be tested at the time of development of the SRBJS M&E Plan. This could involve revisiting select parts of the theory of change⁸⁶ (which sits behind the program logic), for example, where the

⁸⁶ The theory of change for the program was developed and refined through the design processes for SRBJ and PJSPV. Generally it remains relevant for SRBJS but could be reviewed when the M&E Plan for SRBJS is developed.

program is expanding into new areas. Also, performance indicators should be developed and corresponding data sources identified, together with the arrangements for gathering and reporting on the data. Part of the process of developing the M&E Plan should be to define the three EOPOs in terms of precisely that which is meant by 'quality', 'access' and 'service delivery capacity' in the context of the program. Precisely defining these terms from the outset will be a crucial step in facilitating tracking of sector and program progress towards the EOPOs over the four year program period.

The intention in developing the M&E Plan should be to have a limited but sufficient number of indicators, evaluations and surveys with suitable buy-in from sector agencies and program personnel. Given the substantial number of IOs in the SRBJS program logic, coupled with the number of stakeholders who may wish to see particular measures included, a careful balance will be required to ensure the M&E Plan is fit for purpose. This is a lesson identified from PJSPV and should be incorporated into SRBJS.

(iii) Evaluation Questions

The following are suggested as the key overarching evaluation questions that stakeholders would wish to know by the end of the investment:

- i. **Delivering policing and justice services:** To what extent have policing, justice and community services to women, children and youth improved across the period of the investment, and what has been the program contribution to this?
- ii. **Reach of service delivery:** To what extent have sector agencies expanded the reach of their services to targeted provincial locations, and what has been SRBJS's contribution to this?
- iii. **Responses to survivors of violence against women and children:** To what extent are sector agencies and targeted non-state actors responding more effectively to cases involving violence against women and children?
- iv. **Support to vulnerable and at-risk groups:** How well do sector agencies and targeted non-state actors respond to the needs of vulnerable and at-risk groups?
- v. **Capacity development:** Are capacity development initiatives supported by the program leading to sector actors and institutions more effectively performing their functions?
- vi. **Management of human and financial resources:** How, and to what extent, has program support for human and financial resource management improved sector performance?
- vii. **Information systems:** What influence has the investment in information systems (such as case and data management systems) had on the quality and use of data in the sector?

These themes will be assessed using a mixture of the methodologies described directly below.

(iv) Methodologies

The following methodologies are proposed to measure changes created by the investment:

- Analysis of records and data kept by agencies, including meeting minutes and reports drawn from agency information systems
- Analysis of statistics drawn from agency data
- Six monthly reports provided by advisers in relation to outcomes of their interventions and capacity development focus (involves advisers reporting on indicators relevant to their work)
- Document review – documents prepared by SRBJS, implementing partners, GoV, GoA, UN organisations and other stakeholder agencies
- Evaluations of key program themes, for example, the quality of service delivery, access to services, and service delivery capacity (see below)
- Surveys to capture the perceptions of agency and community actors (see below)
- Analysis of emerging themes from monitoring and research may identify common opportunities for change as part of continuous improvement at agency or sector levels
- Collation of lessons learned from M&E initiatives after the first 18 months of SRBJS might allow identification of common issues and opportunities for change

Evaluations

DFAT Mid-Term Review: As set out in section 4.1 (v), after two years of program implementation, DFAT will review the implementation arrangements: program governance and management arrangements, personnel, and risk. This is intended to help ensure that implementation arrangements are fit-for-purpose. This could be combined with one of the evaluations proposed.

Evaluations: A small number of focused evaluations are proposed to measure progress against key program themes, and the extent of program contribution. One option might be to evaluate against the three themes central to the three EOPOs: service delivery capacity, accessibility of services, and quality. Each evaluation could look at a select number of IOs across the three pillars in an integrated way, illustrating the interdependence between the pillars for improved service delivery. For example, the evaluation of accessibility of services (EOPO 2) could look at the cumulative impact of work around four IOs: IO 3 (human and financial resource management for service delivery), IO 9 (sector agencies are delivering more services, including expanded reach), IO 10 (community understanding of the policing and justice system), and IO 13 (more effective handling of cases involving violence against women and children). Evaluations should consider impact and progress of pilot initiatives.

Surveys

Sector Perception Survey: In 2015 and 2016, MJCS, with program support, surveyed sector agencies about participation in sector processes, quality of sector governance, extent and quality of collaboration and information sharing, and satisfaction with JCSSS implementation. If there is appetite from MJCS and the sector for the survey to be repeated, SRBJS could provide support to MJCS for this.⁸⁷

⁸⁷ The survey is most relevant for tracking intermediate outcome 5: *Sector agencies are working together more effectively to achieve and sustain improvements in service delivery*. But it does also have broader application to other intermediate outcomes that reflect JCSSS priorities, for example, reduction in delay in progress of cases, juvenile justice, and customary disputes.

Policing Perception Survey: To measure intermediate outcome 8: *Targeted communities have greater trust and confidence in the VPF*, the program could adapt the survey tool used for PJSPV research conducted in Malekula and Blacksands. This research established a benchmark, or baseline, against intermediate outcome 8 in the two research locations. The survey tool incorporates questions intended to capture community perceptions of the VPF.

There are advantages in using the existing survey tool (from the Malekula and Blacksands research), rather than another community-police perception survey methodology. Specifically, enumerators have been trained to use the survey tool, and a Bislama translation already exists. Repeating the same questions in the same locations also allows for more consistent measurement of change, or progress, against the baseline. Further, repeating the survey in one rural location (Malekula) and one peri-urban location (Blacksands) allows for analysis of the influence of geography on perceptions of policing services. The focus here on community perceptions of police (and not other sector institutions such as courts) is justified with reference to the findings of research showing that 98% of women and children experiencing violence in Vanuatu do not access the formal justice system.⁸⁸ As such, it is recommended that consideration first be given to community perceptions of police as the frontline and first point-of-contact with the formal justice system.

This survey approach is not intended to be prescriptive and is one suggested method that SRBJS might consider, subject to their being appetite for such a survey from key program partners. The program could instead consider other more user-centric approaches such as supporting the VPF (victim support team or equivalent) to track cases and people's experiences of policing services. This could involve surveying a cross-section of end users of the system to gauge their actual, lived experiences of service delivery. Similar user-centered survey methods have been used in the health and education sectors in Vanuatu.

Police Open Days: VPF are planning their first 'open day' for the second half of 2016. SRBJS could leverage off this initiative and support the VPF to collect feedback about people's views of the services provided by police. Besides giving civilians the opportunity to become better acquainted with the police, it gives police insight into how their services are perceived and how to further improve them. This initiative is both an activity and an M&E tool. This survey approach draws on the global Altus Police Station Visitors Program methodology.

(v) Resourcing for Monitoring and Evaluation

M&E will be resourced with a short-term adviser — Technical and Monitoring and Evaluation Adviser (position description in Annex 4) — engaged by the managing contractor. The adviser will work closely with and support (as requested and required) the MJCS Monitoring Officer, VPF CSU M&E Unit and M&E Unit of the Prime Minister's Office. Together, they will provide M&E capacity development on an ongoing basis through the planning and reporting cycle of the MJCS and government sector agencies. Independent evaluators will be required for some of the evaluations and surveys listed above — this could be resourced through the discretionary technical assistance pool.

⁸⁸ Lister, Rosenthal and Sumner, above n 22.

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

4.4 Critical Risks and Risk Management

The risk matrix (below) outlines a range of development and context risks, implementation risks and reputational/institutional risks for the program. It incorporates an assessment of their potential impact on EOPOs and suggests mitigation measures. Risk should be assessed on a regular and ongoing basis; the risk matrix will be reviewed and revised as required. The program faces a number of interdependent risks that are best mitigated by mutual accountability, ownership and engagement in SRBJS interventions. This is of particular significance given the nature of the policing and justice sector and importance of consensus for collaboration.

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
Development and context risks						
Fluidity of political environment	<ul style="list-style-type: none"> Impact on Ministerial (MJCS and MoIA) ownership of program, consistency of understanding and therefore engagement on the achievement of SRBJS outcomes Impact on leadership of Director Generals (DGs) and VPF Executive, and momentum for strengthening of VPF and MJCS 	<ul style="list-style-type: none"> Program remaining flexible and responsive to changes in political leadership Keep Ministers informed about the program Build leadership across the sector, and strengthen whole-of-sector mechanisms such as HOAG to encourage continuity and stability in bureaucracy 	3	3–4	3	Program Leadership Team, VPF Executive and DGs MJCS, MoIA
Workforce and other structural issues in VPF remain unaddressed for the duration of the investment	<ul style="list-style-type: none"> Proportion of VPF budget available for operations continues to decline GoA/program under pressure to increase contribution to VPF operational budget to fund urgent responses Diverts resources from other program areas 	<ul style="list-style-type: none"> Closely monitor situation Multi-level dialogue with GoV and VPF leadership Develop plans with VPF to address structural issues through budget and human resource management capacity development streams 	4	3	3	DFAT AFP MJCS PFM and HRM Advisers

Risk	Impact on end of program outcomes	Mitigation measures	L	C	R	Responsibility
		<ul style="list-style-type: none"> Discussions with GoV, VPF Executive 				
GoV authorises 'polis blong chief'	<ul style="list-style-type: none"> Undermines authority of VPF Unaccountable non-state actors (risk of their acting in a way that conflicts with the law and human rights standards) VPF attention diverted 	<ul style="list-style-type: none"> High-level dialogue with GoV and VPF leadership 	4	3	3	DFAT AFP MJCS VPF
Inadequate revenue generation and collection by GoV	<ul style="list-style-type: none"> Sustainability of GoV support Sustainability of any scale up of initiatives 	<ul style="list-style-type: none"> Absorptive capacity monitored and activities balanced accordingly 	4	4	3	VPF MJCS MFEM PFM Adviser
Inadequate budget allocation within the sector and government generally, small size of institutions	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 SRBJS re: donor harmonisation
<p>Low status of women continues without improvement</p> <p>Low GoV engagement: DWA / VWC continues to receive no/very limited GoV funding</p>	<ul style="list-style-type: none"> Australia's efforts on GBV objectives undermined 	<ul style="list-style-type: none"> Continued proactive inclusion of activities for women and youth in SRBJS programming Support selection of women for capacity development opportunities Strengthen agency capacity for crime prevention, support of victims of crime, and prevention and response to gender-based violence Support gender mainstreaming in strategic planning 	5	4	4	VPF MJCS DWA SRBJS (all advisers/project officers)

Risk	Impact on end of program outcomes	Mitigation measures	L	C	R	Responsibility
		<ul style="list-style-type: none"> Refine gender mainstreaming strategy 				
Complex relationship and interplay between state and non-state systems. This also includes the impact of an external actor (such as the program) influencing the dynamics of that relationship	<ul style="list-style-type: none"> Program causes harm / unintended consequences , particularly in pilot regions Malekula, Tanna, Blacksands Often described as two separate systems of dispute resolution, but rather is intermixed and sometimes in conflict and sometimes mutually reinforcing 	<ul style="list-style-type: none"> Develop programming informed by research on Malekula and Blacksands Use a sensitive, appropriately paced, iterative approach, guided by key ni-Vanuatu stakeholders Work in close collaboration with ni-Vanuatu organisations, individuals 	5	4	3	SRBJS VWC WSB SRBJS (all advisers/project officers)
Implementation risks						
Heavy reliance on leadership of VPF Executive and Director General, MJCS	<ul style="list-style-type: none"> If MJCS / VPF leadership change and poor leadership ensues, reform agenda likely to stall / regress 	<ul style="list-style-type: none"> Support leadership within the sector at multiple levels Strengthen cross-sector mechanisms where possible such as HOAG 	4	3	4	SRBJS
Weak financial management and internal audit capacity in the VPF and MJCS	<ul style="list-style-type: none"> Financial maladministration/mismanagement (rather than fraud) Slow uptake of financial management responsibility for program funds 	<ul style="list-style-type: none"> Active implementation of Vanuatu Fraud Control and Anti-Corruption plan Continue to provide support for the implementation of the PFM assessment recommendations Provide targeted capacity development Work with counterparts wherever possible for SRBJS financial management. Strengthen monitoring. Activities enhance accountability and transparency. Require CSOs/NGOs to be externally audited annually. 	4	3	3	PFM Adviser CD&LA Adviser VPF MJCS

Risk	Impact on end of program outcomes	Mitigation measures	L	C	R	Responsibility
Lack of collaboration/coordination between agency heads	<ul style="list-style-type: none"> Impact on delivery, effectiveness and efficiency of cross-sectoral work 	<ul style="list-style-type: none"> Remain flexible and responsive to modes of possible engagement Maintain regular dialogue and consultation with heads who collaborating optimally 	4	3	3	Program Leadership Team CD&LA VPF, MPO and MJCS
Sector agencies and/or key individuals reluctant to engage in program-supported work in Malekula (domestic violence) and in Blacksands (youth in conflict with the law)	<ul style="list-style-type: none"> Limits the strength of the work and any possible scale up Reduces the effectiveness of domestic violence responsiveness and reduction strategies 	<ul style="list-style-type: none"> Use a sensitive, iterative approach, guided by key ni-Vanuatu stakeholders. Work in close collaboration with ni-Vanuatu organisations, individuals. Do not assume simple transplant of international models work Engage in selection of key stakeholders, including police for the Blacksands pilot 	3	3	3	SRBJS (advisers and project staff)
Limited commitment to whole-of-sector work	<ul style="list-style-type: none"> Limits achievement of whole-of-sector activities, and resulting gains in momentum More difficult to maintain engagement 	<ul style="list-style-type: none"> Cross-sector work will be supported jointly by SRBJS and MJCS in terms of secretariat functions Encourage consideration of activities that might provide some immediate benefits to support momentum Celebrate and highlight achievements 	3	3	4	SRBJS MJCS VPF
Lack of support and engagement by agencies across the sector	<ul style="list-style-type: none"> Activities and outputs delayed meaning that outcomes unlikely to be met 	<ul style="list-style-type: none"> Regular meetings on progress against targets <ul style="list-style-type: none"> Regular communication with sector agency counterparts and leaders 	3	4	3	SRBJS
Judiciary reluctant to collaborate to any extent with the sector	<ul style="list-style-type: none"> Limits the capacity of the remainder of the sector to fulfil its sector strategies and reduces the speed of progress 	<ul style="list-style-type: none"> Provide flexible support to collaboration with the judiciary in whatever forms it sees as most 	4	4	4	SRBJS MJCS Case and Data

Risk	Impact on end of program outcomes	Mitigation measures	L	C	R	Responsibility
	<ul style="list-style-type: none"> Judiciary out of sync with executive justice agencies 	<p>appropriate</p> <ul style="list-style-type: none"> Support for a sector governance mechanism in which the Judiciary is comfortable to participate Support to Federal Court of Australia MOU may provide additional basis for collaboration with sector Case and Data Management Adviser work in late 2013 may be another basis for strengthened collaboration 				Management Adviser
Institutional /reputational risk						
Unwarranted political accusations of advisers/program	<ul style="list-style-type: none"> Impacts on reputation of program and donor GoA-GoV relations impacted 	<ul style="list-style-type: none"> Monitor political sensitivities Develop and review communication and engagement strategy to respond to accusations and proactively provide program information to DFAT Communications Officer 	3	3	4	SRBJS communications strategy
Unaccountable behaviour, corruption, fraud or child protection issues in implementation of SRBJS	<ul style="list-style-type: none"> Adverse media coverage on DFAT Program seen as unaccountable DFAT capacity to manage funds questioned Impact on child and families 	<ul style="list-style-type: none"> Review fraud policy Ensure awareness of fraud policy with any funds recipients Strict enforcement of child protection policy 	2	5	4	SRBJS VPF MJCS VWC

4.5 Indicative Implementation Plan

An indicative implementation plan, including critical pathways for the first 12 months of the program, is set out in Annex 1. The plan serves as a template to build upon during the joint annual planning process by the managing contractor, DFAT and the AFP. To ensure current PJSPV experience and knowledge is captured and to mitigate risks associated with program effectiveness, the current implementing partners and DFAT will finalise this plan prior to the start of SRBJS.

Annexes

Annexes are available in separate documents and can be provided on request.

Annex 1: Indicative Implementation Plan

Annex 2: SRBJS Organigram

Annex 3: Disability Analysis Annex

Annex 4: Position Descriptions for Personnel