

# Strategy for the Justice and Community Services Sector

2014 -2017



MINISTRY OF JUSTICE AND COMMUNITY SERVICES



# Forward by the Honourable Minister for Justice and Community Services

It is with great pleasure that I commend this Strategy to all stakeholders who engage with the Justice and Community Services Sector. The Strategy is the product of much work by the Heads of Agencies Group and the Task Force which has been supporting the identification of the key issues which will become the basis for planning for the period 2014 – 2017. The Strategy builds upon work commenced in 2012 at a broad stakeholders planning summit at Mele and represents a collective view of the major challenges and opportunities facing the Sector.

Most importantly the Strategy was developed with the recognition that individual agencies alone are not capable of solving the critical challenges that face them. Rather it is through careful planning, collaboration and coordinated action that these challenges can be met in the interest of providing improved service for the people of Vanuatu. This document will become a framework to guide the Government of Vanuatu and donors in their understanding of how the most critical issues within the Sector will be addressed, which will in turn inform the development of the Ministry Corporate Plan and the agency Business Plans.

The work of the Sector is supported by a broad range of stakeholders including government agencies and bodies, churches, chiefs, community organizations and a number of local and international Non-Government Organizations. Without the engagement of the whole community the work of improving the Sector will not be possible. It is to all those involved to whom I extend my deepest appreciation for their committed and ongoing contributions.



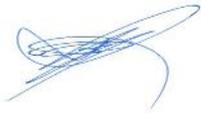
**The Honourable Jonas JAMES, MP**

**Minister for Justice and Community Services**



## Endorsement by Task Force Members

As members of the Task Force who have actively worked to develop this Strategy, we are very pleased to commend this document to the Council of Ministers for endorsement. The Task force has deliberated on the key issues and opportunities which the Sector faces in coming years, and believes that the strategies which have been developed will represent significant steps forward in the improvement of service delivery across the Sector. For some time there has been recognition of a need for a united and collaborative approach across all agencies within the Justice and Community Services Sector to ensure that resources within the Sector are used to optimum benefit. To that end, a sound collaborative planning approach has been used to scope clear priorities for action. It is our view that the implementation of this Strategy will enhance the Sector's capacity to deliver quality services to all communities within Vanuatu. It is with this understanding that we commend the Strategy to the Council of Ministers.



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**Director General**

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## BACKGROUND AND CONTEXT SETTING

The Council of Ministers decision of 6 August 2008 which established the Ministry of Justice and Social Welfare (subsequently renamed as the Ministry for Justice and Community Services) included a significant number of agencies and non-Government stakeholders within the framework of the Ministry (Appendix A refers). In total, the scope of the Sector includes the police, judiciary, all justice agencies, correctional services, law reform, customary land issues, public safety, land valuation, accountability bodies (Ombudsman, Auditor General), women, children, disability, and the aged.

No sector within Government 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. Only two departments are directly under the management control of the Ministry (Department of Women's Affairs and Department of Correctional Services). The key element within this very broad system is recognition that there are many shared common interests and that by working collaboratively together opportunities for resolving cross sector issues can occur through direct cooperation, and through the sector demonstrating an integrated planning approach to government and donors alike.

## THE NEED FOR A JUSTICE AND COMMUNITY SERVICES SECTOR STRATEGY

Since 2008 there have been planning processes designed to build the individual parts of the Sector in alignment with a broader Ministry Corporate Plan. However, this is the first occasion in which an overarching Sector Strategy has been envisaged which is designed to align with PAA<sup>1</sup> and to gain the support of Government at the highest levels.

The Sector Strategy can be defined as:

**“ A future reaching document collaboratively developed by stakeholders and endorsed by Government that sets the direction for the Sector by establishing strategies to resolve major challenges which, when achieved, will improve service to the community”.**

## OBJECTIVES OF THE SECTOR STRATEGY

The purpose of the Sector Plan is to achieve a number of key objectives which are:

- (a) Gaining the support of the Government of Vanuatu as a major sectoral planning document;
- (b) Adjusting the Plan Long Act Short document to reflect the key priorities of the Sector Plan;
- (c) Recognising both the independence of many of its key agencies and constitutional stakeholders and the critical importance of the contribution of civil society organizations to the work of the Sector;
- (d) Creating ownership by agencies and staff within the Ministry and supported by key stakeholders within the Sector;
- (e) Supports a simple planning process which is sustainable, recognising that the Ministry itself has a very small staff and that the key to progress is that of agencies working together to achieve common purposes;

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<sup>1</sup>PAA – Priorities Action Agenda, is the long range policy and planning document of the Government of Vanuatu

- (f) Becomes the overarching framework document within which the Ministry will develop its three year Corporate Plan and agencies their annual Business Plans;
- (g) Enables agencies to focus collaboratively on common cross cutting issues and the best use common resources;
- (h) Providing a means by which donors can consider how to best engage with key sectoral priorities.

## THE AUTHORITY UNDERPINNING THE PLAN

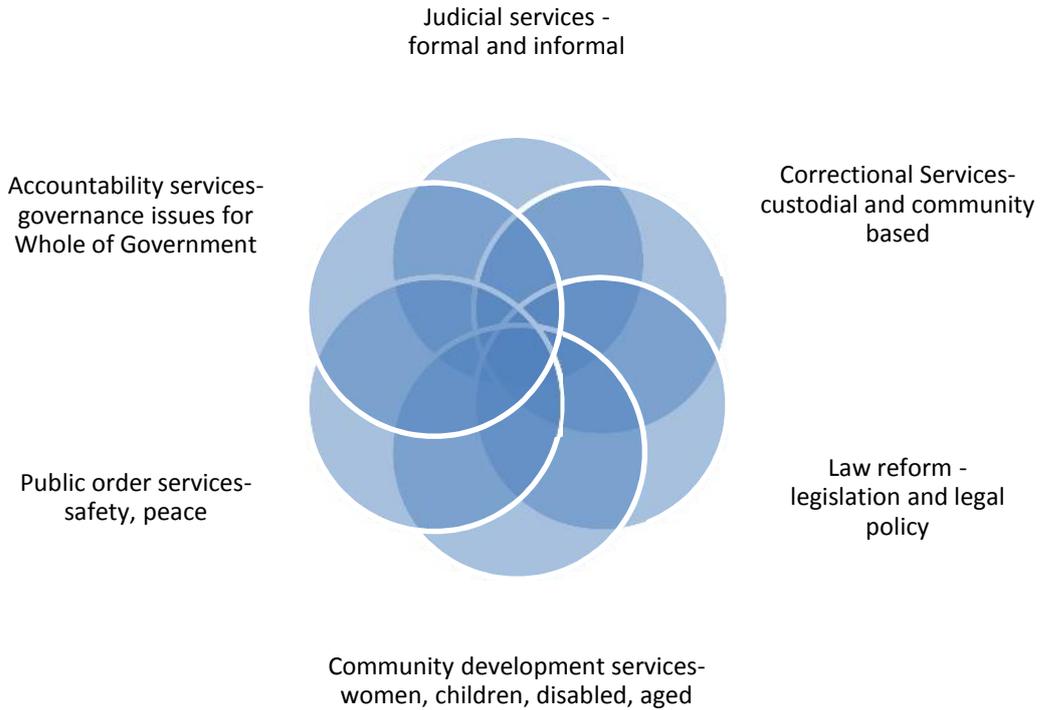
The creation of this plan occurred as the result of collaboration by the diverse stakeholders within the Sector. It has not been developed because of authority vested in a Ministry but rather through recognition of shared common interests and an appreciation of the need to use resources in the best way possible to improve service in its many facets to the people of Vanuatu. The Heads of Agencies Group (HOAG) is the key consultative and deliberative body that guides the work of the Sector and the Task Force, which has facilitated the development of the plan for determination by HOAG. Terms of Reference for HOAG and the Task Force are attached in Appendix B.



## KEY STAKEHOLDERS OF THE SECTOR



## SERVICES PROVIDED BY THE SECTOR



*The details of the agencies that provide the services throughout the Sector are attached in Appendix C.*



These photos (and the cover photo) were taken at the *Just Play Sport* awareness programme at Seaside, Port Vila in July 2012, attended by school children and their families, the Police, Probation Services and Save the Children.

## VISION

“Jastis,sefti, digniti, rispek mo gud fasin blong evriwan”

## MISSION

“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”

## ORGANIZATIONAL BELIEFS



The Constitution of the Republic of Vanuatu is the *Mama Loa* of the nation



A strong, efficient and coordinated Law and Justice Sector contributes to the improvements in standards of living and wellbeing for all citizens of Vanuatu



Understanding the underlying values of Kastom, the Constitution, Christianity and international conventions creates a foundation for harmonisation and examination of policies and practices within the sector



Sector agencies respect the ability of communities and citizens to determine, develop and maintain appropriate and efficient arrangements for community governance.



We advocate in a manner that recognises and utilises existing non government structures and systems ( Church, Custom/NGOs)

## KEY ISSUES AND STRATEGIES

The Sector Strategy does not to prescribe or detail the wide and varied activities of all agencies in the Sector but focuses on critical cross cutting issues which cannot be resolved by one agency alone. The intent, then, is to frame a Sector Strategy in which high level strategies meet two criteria:

- (a) The issues raised are major cross cutting issues and
- (b) Individual agencies cannot resolve these themselves.

These strategies will each have activities which will enable costing and measurement. These will be refined as work is undertaken and as the Sector Strategy is reviewed annually.

## IDENTIFICATION OF ISSUES, STRATEGIES AND PERFORMANCE MEASURES

Eight key cross cutting issues have been identified and developed which have corresponding strategies and performance measures assigned to them.

### 1. CUSTOMARY DISPUTES

Currently there are insufficient linkages between the informal and formal systems and an absence of standards. This leads to inconsistency and perceptions of unfairness. The desired future outcome is for the community to have confidence in a fair and consistent system where people know their rights and have a clear understanding of the distinction between the formal and informal systems of justice.

KEY ISSUE	STRATEGY	PERFORMANCE MEASURE	POSSIBLE SOURCES OF INFORMATION
<b>Customary Disputes</b>	Strengthen the kastom system of management and dispute resolution and the linkages with the formal system	<ol style="list-style-type: none"> <li>1. Percentage of community expressing satisfaction with customary dispute resolution processes.<sup>2</sup></li> <li>2. Percentage of community experiencing customary dispute resolution processes as fair and consistent.<sup>3</sup></li> </ol>	<ol style="list-style-type: none"> <li>1. KAP Survey<sup>4</sup></li> <li>2. KAP Survey<sup>5</sup></li> </ol>

<sup>2</sup> Requires definition

<sup>3</sup> Requires definition

<sup>4</sup> Knowledge, Attitudes and Perceptions Survey scheduled for early 2014

<sup>5</sup>KAP survey will help establish a baseline at the higher level, and can be repeated not more frequently than every 5 years given the cost. More focused measuring comes at the Corporate and Business Plan level which will use other methodologies.

## 2. JUVENILE JUSTICE

The current system is not responsive to the needs of a very high and rising youth population and lacks formal diversion so young people are managed as adults in prisons when convicted by the formal system. There is no specific legislation for juveniles, consistent definition of juveniles, or formal diversion.

The strategy plans to provide a system where the community is confident that juveniles are managed appropriately within the system and that their needs are met.

KEY ISSUE	STRATEGY	PERFORMANCE MEASURE	POSSIBLE SOURCES OF INFORMATION
<b>Juvenile Justice</b>	Develop an integrated Juvenile Justice System inside the Sector	<ol style="list-style-type: none"> <li>1. An integrated juvenile<sup>6</sup> justice system designed and implemented which includes juvenile appropriate processes.</li> <li>2. Percentage of juveniles sentenced receiving a custodial sentence.</li> <li>3. Percentage of children in pre- and post-sentencing<sup>7</sup> detention not wholly separated from adults.</li> </ol>	<ol style="list-style-type: none"> <li>1. Ministry reporting</li> <li>2. Judicial reporting</li> <li>3. Corrections reporting</li> </ol>

## 3. VICTIM SUPPORT

At present the justice system focuses on the offender alone and the rights and wellbeing of victims of crime are neglected. Whilst victims may receive some material compensation their personal welfare is not supported by the justice system. The new focus will be to ensure that victims are restored physically and mentally so they can resume their lives as full citizens in their communities.

KEY ISSUE	STRATEGY	PERFORMANCE MEASURE	POSSIBLE SOURCES OF INFORMATION
<b>Victim Support</b>	Improve the Sector Response to protection and services provision for victim support	<ol style="list-style-type: none"> <li>1. Institutions and systems to support victims are created and implemented</li> <li>2. Percentage of victims that feel adequately<sup>8</sup> supported by the victim support system</li> </ol>	<ol style="list-style-type: none"> <li>1. Ministry reporting</li> <li>2. KAP/other victimization survey</li> <li>3. Ministry reporting</li> </ol>

<sup>6</sup> Requires definition

<sup>7</sup> Requires definition

<sup>8</sup> Requires definition when carrying out this survey

#### 4. INFRASTRUCTURE NEEDS

Poorly maintained or inadequate infrastructure prevents compliance with legislation, adversely affects service delivery and reflects poorly on the status of key state institutions in the sector. The strategy will ensure that in the future infrastructure will meet international requirements and support service delivery of agencies until at least 2050.



KEY ISSUE	STRATEGY	PERFORMANCE MEASURE	POSSIBLE SOURCES OF INFORMATION
<b>Infrastructure Needs</b>	Develop and implement a comprehensive infrastructure plan	1. Infrastructure designed and built according to design (a) on time and (b) within budget	1. Ministry reporting

#### 5. HUMAN RIGHTS

Currently International Conventions are poorly understood, obligations are not met, and are not owned. Insufficient consultation has contributed to lack of understanding. The consequence is that vulnerable groups, such as the disabled and the aged, are not adequately catered for through law and support services, or worse, are discriminated against. The strategy is intended to result in greater respect and protection for citizens through legislation, greater awareness by individuals about their rights and improvement to Vanuatu's international standing.



KEY ISSUE	STRATEGY	PERFORMANCE MEASURE	POSSIBLE SOURCES OF INFORMATION
<b>Human Rights</b>	Develop a national framework for implementation of treaties and constitutional provisions.	1. Percentage of citizens that understand their rights, respect the rights of others and perceive that their rights are protected. 2. Increased alignment between domestic laws and relevant human rights treaties	1. KAP Survey 2. Universal Periodic Review (UPR) 3. United Nations Office of the High Commissioner for Human Rights 4. Reports of Convention on Rights of the Child, Convention on Rights of Persons with Disabilities, Convention on the Elimination of Discrimination against Women.

## 6. CRIME AND IMPACTS OF CRIME

Currently the increasing levels of crime and perceptions of crime impact badly on community safety and wellbeing, victims, investor and business confidence, and the international reputation of Vanuatu. A clear strategy is intended to improve safety (and perceptions of safety) in communities, increase business confidence and enhance the country's standing.

KEY ISSUE	STRATEGY	PERFORMANCE MEASURE	POSSIBLE SOURCES OF INFORMATION
<b>Crime and the impacts of crime</b>	Develop a comprehensive crime prevention and protection strategy that engages Government, communities, kastom authority, business, NGOs	<ol style="list-style-type: none"> <li>1. Crime is reduced<sup>9</sup></li> <li>2. Increased community perception of safety and</li> <li>3. Decreased community perception of crime</li> </ol>	<ol style="list-style-type: none"> <li>1. CRIMS database</li> <li>2. VWC/UNICE/KAP Survey</li> </ol>

## 7. DELAYS IN PROGRESS OF CASES

For some time justice has been denied to citizens because of unacceptable delays in the system. The current backlog of cases in the courts is significant. Longstanding problems relate to the inefficiencies in many aspects of the justice system as its components interface with each other. A major strategy is designed to address these problems in the future so that there are ultimately no unnecessary delays and the community has confidence in the timely resolution of their cases.



KEY ISSUE	STRATEGY	PERFORMANCE MEASURE	POSSIBLE SOURCES OF INFORMATION
<b>Delays in Case Management</b>	Reduce unnecessary delays in case management across the system	<ol style="list-style-type: none"> <li>1. Reduction in average length of time for the completion of a criminal case.<sup>10</sup></li> <li>2. Reduction in average length of time for the completion of a civil case.</li> </ol>	<ol style="list-style-type: none"> <li>1. Case backlog study<sup>11</sup></li> <li>2. Ministry and Judicial reporting</li> </ol>

<sup>9</sup> However, the assumption is that improved access to justice and crime prevention awareness will initially lead to higher levels of crime reporting.

<sup>10</sup> Requires definition of case completion.

<sup>11</sup> A case management system should provide consistent definitions to be able to assess backlogs and this will be the aim of the integrated case and data management system in the longer term.

## 8. ACCESS TO JUSTICE ACROSS ALL PROVINCES

Access to justice services is currently restricted to citizens in all provinces. These limitations occur because of geographic isolation, funding the cost of service delivery to isolated locations, knowledge/skill issues, gender considerations and the effectiveness and efficiency of service delivery. The strategy is designed to ensure that in the future all citizens are provided with the same opportunity to access justice services that are perceived as fair, efficient, effective and appropriately coordinated.



KEY ISSUE	STRATEGY	PERFORMANCE MEASURE	POSSIBLE SOURCES OF INFORMATION
Access to Justice across all provinces	Develop and implement appropriate and evidence based collaborative strategies that address barriers to access	<ol style="list-style-type: none"> <li>Evidence based interventions are set and achieve quality standards<sup>12</sup></li> <li>Community express improved degree of satisfaction in accessing justice systems.</li> <li>Legal sector actors express confidence in justice system.</li> </ol>	<ol style="list-style-type: none"> <li>Ministry reporting</li> <li>KAP</li> <li>Survey of legal sector factors</li> </ol>



<sup>12</sup> Quality standards will need defining dependent on content and context of intervention

## ACTIVITIES TO SUPPORT STRATEGIES

Activities for each strategy have been identified and are contained in Appendix D. The template has been designed to identify a core strategy to address the current state of each issue, together with priority activities which link to outputs and performance measures leading to desired improved outcomes.

The Activities will be further scoped and costed and submitted as part of the Narrative and Budget processes for 2014. It will be noted that at the outset a number of research activities are crucial to provide appropriate information regarding the nature of the problems to be addressed and as a prelude to further development.

## PROGRESSION OF WORK IN THE SECTOR STRATEGY

The Ministry will take responsibility for developing a Ministry Corporate plan for 2014 – 2017 to mirror the timeframe of the Sector Strategy and this document will address the role of the Ministry and the relevant agencies in the execution of the activities and the supporting role of the Ministry.

HOAG and the Task Force will meet regularly to develop the work within the Sector Strategy and to report to Government through required reporting processes including the Annual Development Plan and the annual Reports for the Ministry and agencies.



*Top left: High Risk & Remand Correctional Centre, Port Vila Top right: Court of Appeal and Supreme Court of Vanuatu  
Bottom left: Ministry and Vanuatu Law Commission Bottom right: Remains of Vanuatu Supreme Court after 2007 fire*

## APPENDIX A: THE COMPOSITION OF THE MINISTRY AND SECTOR

### THE MINISTRY

The Council of Ministers decision of 6 August 2008 which established the Ministry of Justice and Social Welfare (subsequently renamed as the Ministry for Justice and Community Services) included the following in the framework of the Ministry. These bodies are referred to below according to their status under the Constitution:

- Judicial Services Commission
- Public Prosecutor
- Public Solicitor
- Auditor General
- Vanuatu Correctional Services
- Office of the Valuer General
- Office of the Ombudsman
- Law Commission
- Department of Women's Affairs (Desks within the Department focus on children and Disability)
- Customary Land Tribunal Unit
- Vanuatu National Council of Women
- Vanuatu National Children's Committee

### THE SECTOR

Vanuatu Police is not within the Ministry of Justice and Community Services as this organisation reports to the Minister for Internal Affairs. Nevertheless, it is quite clear that police functions, activities and priorities will impact on the work of the agencies within the Ministry of Justice and Community Services and as a key stakeholder the Vanuatu Police will need to be engaged in the work of the Justice and community services Sector strategy.

Another critical partner is the State Law Office which is not within the Ministry proper. This function is crucial to Sector functioning and is included as a member of the Task Force. It is also evident that in order to carry out its broad service delivery work for the community the Ministry will need to have appropriate points of engagement with the Education and Health sectors. This is because areas involving youth, disability and women will benefit from joint interaction and common approaches which need to be developed on a collaborative basis. Other key stakeholders are Malvatumauri and the Customary Land Tribunal whose work integrally relates them to the service outcomes of the Ministry through delivery of justice locally and the resolution of land disputes. Again, a broader group of stakeholders includes Civil Society Partners such as the Women's Centre, Vanuatu Society for Disabled People, Wan Smolbag, Save the Children and UNICEF and UNWOMEN in regard to human rights, good governance and anti-corruption issues.

## APPENDIX B: HEADS OF AGENCIES TERMS OF REFERENCE

In order to improve the quality of service delivery to the community HOAG will:

- develop a Justice and Community Services Sector Strategy for Council of Ministers;
- canvass and explore of cross sectoral issues of interest to members;
- provide common support in relation to cooperation and project capacity (where that exists and is appropriate) to progress agreed specific cross sector initiatives;
- provide the appropriate context for possible agreement regarding shared strategic approaches and priorities;
- provide an open learning environment in which members can develop their capacity to embrace sectoral planning and longer term skills for implementation of longer term improvement;
- provide a forum in which proposed strategies could be explored with invited guests from key central government agencies (e.g. Prime Minister's Office, Department of Finance, Public Service Commission);
- provide high level guidance to establish cross sector and agency level capacity assessment and development strategies;
- provide the opportunity for discussions with donors to ensure that considerations of donor support and sustainability are achieved.

### TERMS OF REFERENCE FOR JUSTICE AND COMMUNITY SERVICES SECTOR TASK FORCE

The aim of the Task Force is to support the members of the HOAG to develop and subsequently monitor a Justice and Community Services Sector Strategy.

The Task Force will:

- work with Stretlem Rod Blong Jastis Partnership support to ensure that a draft Strategy is developed for HOAG consideration with progress reports presented to the HOAG in accordance with agreed timelines (discussed below);
- endorse a structure for the draft Strategy with a three to five year scope which will include a clear statement of purpose, role and values;
- ensure that the model and template fits the guidelines (if any) of the Prime Minister's Office and the Public Service Commission;
- propose and prioritize key cross sectoral issues for the draft Strategy;
- endorse a process for the establishment of a small number of key indicators for the key issues identified in the planning process;
- propose working sub groups as required to develop agreed cross sector projects;
- propose key outcomes and outputs within the plan to enable the agencies within the Law and Justice Sector to identify how their own planning contributes to the desired service outcomes and key sectoral priorities (this is NOT intended to suggest that agency specific plans should in any way be rewritten but rather considered by respective agency heads for how best to reflect the work and challenges of their agencies in the higher level outcomes and cross setting strategies);
- establish a context and framework for the assessment, planning enhancement of capacity development (at sector and agency levels) within the draft Strategy;
- establish a risk assessment matrix to assist the HOAG in assessing critical issues which might impact on the successful development of the Sector Strategy

## APPENDIX C: ORGANISATIONS AND STAKEHOLDERS WHO DELIVER THE SERVICES

Service	1. Judicial Services		2. Correctional Services	
Service sub categorisation	Formal	Informal	Custodial	Community based
<b>Key Government/Constitutional actors</b>	Courts  PPO  PSO  SPD  SLO  CLT (but with Chiefs exercising a role)	<ul style="list-style-type: none"> <li>Chiefs provide justice locally to a greater area than the span of the formal justice system</li> <li>Mediation initiatives as an alternative to formal system</li> </ul>	DCS Implements decisions of courts re imprisonment (sentences and remands)	DCS implements decisions of courts re probation, community services, bail          Parole Board makes decision re release on parole
<b>Key Non government/civil society stakeholders</b>	Malvatumauri; VLS; PACCLII; USP Law School; Governance for Growth		Vanuatu council of Churches; Wan Smol Bag; Save the Children; World Vision; Transparency International; Habitat for Humanity; Virtues Project; Summer Institute of Linguistics; Red Cross; Youth against Corruption; Women against Crime; Business against Crime; ICRC; Regional Human Rights Report (US State Department)	

Service	3. Law Reform Services		4. Welfare services
Sub categorization	Legislation Review	Legal Policy	Community development:  Women, Children, disabled, aged
<b>Key Government/Constitutional actors</b>	VLC  Key Government actors consulted	VLC  Key Government actors consulted	DWA  (links to Education and Health re interfaced services)
<b>Key Non Government/civil society stakeholders</b>	NGOs and community groups consulted	NGOs and community groups consulted	Vanuatu National Council of Women  Vanuatu National Children's Committee  Save the children; Vanuatu Women's Centre; UNICEF; UNWOMEN; National Youth Council

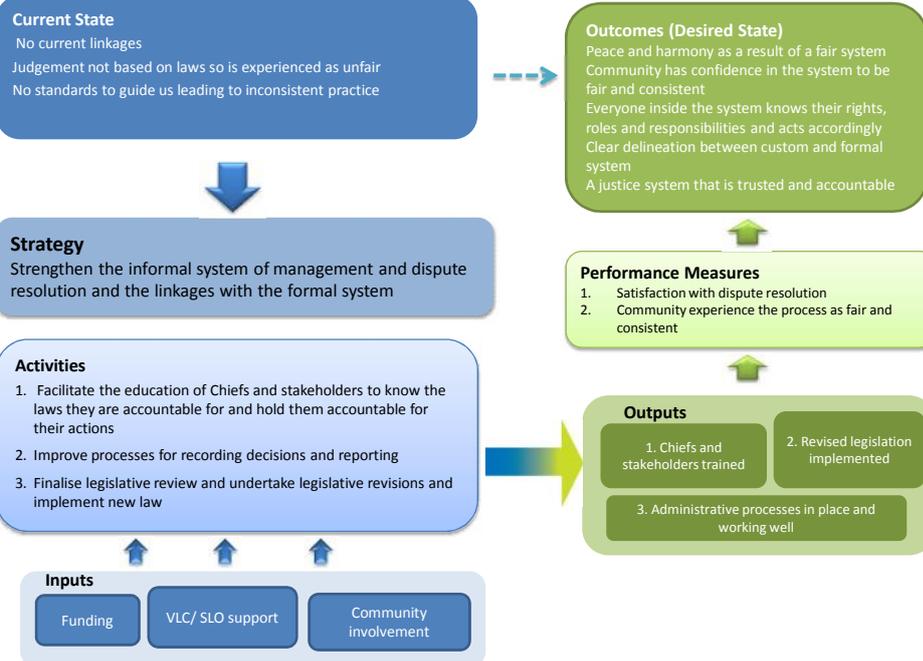
Service	5. Public order safety and peace	6. Accountability services
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Sub categorization	Safety (order, investigations)	Crime prevention	Governance issues/Whole of Government
<b>Key Government/Constitutional actors</b>	VPF, DCS	MJCS,DWA	Auditor General, Ombudsman, Value General
<b>Key Non Government/civil society stakeholders</b>			Transparency International, Media organizations

## APPENDIX D: KEY ISSUES, STRATEGIES, ACTIVITIES AND PERFORMANCE MEASURES

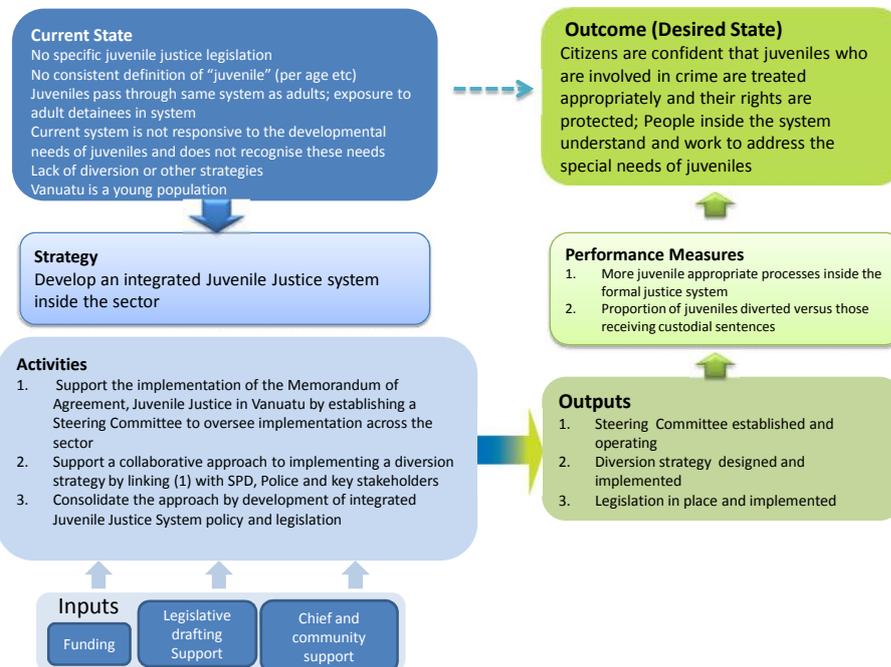
### Customary Disputes

PAA Policy Objective 3.2; Strategy 3.2.3



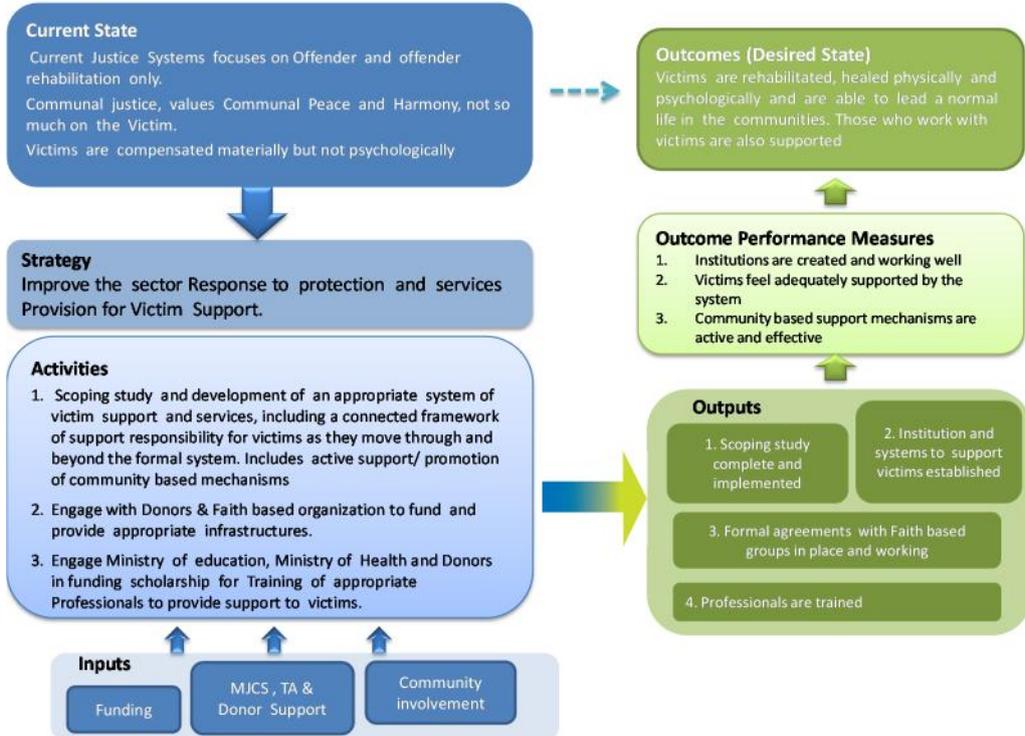
### Juvenile Justice

PAA Policy Objective 3.2; Strategy 3.2.4



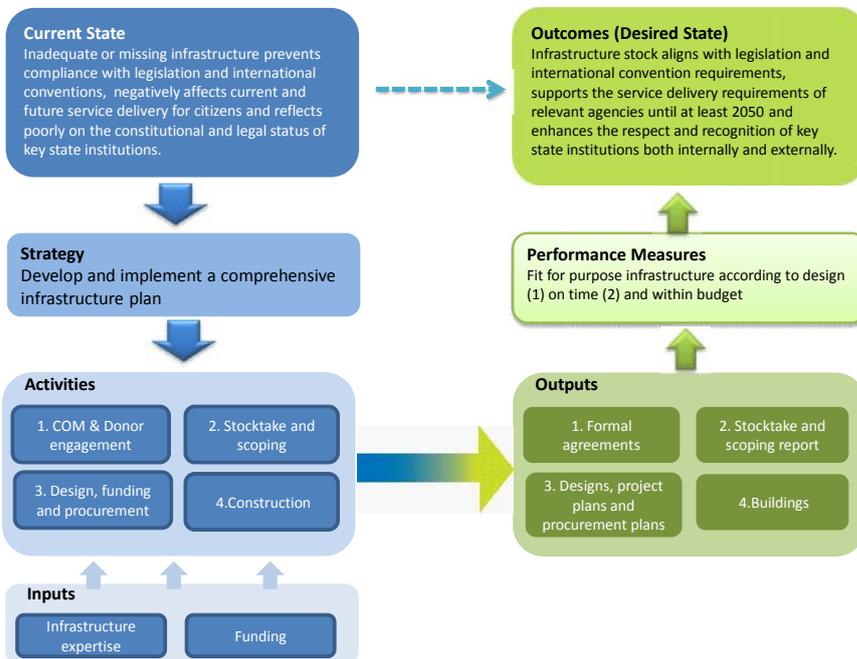
## Victim Support

PAA Policy Objective 3.2; Strategy 3.2.4



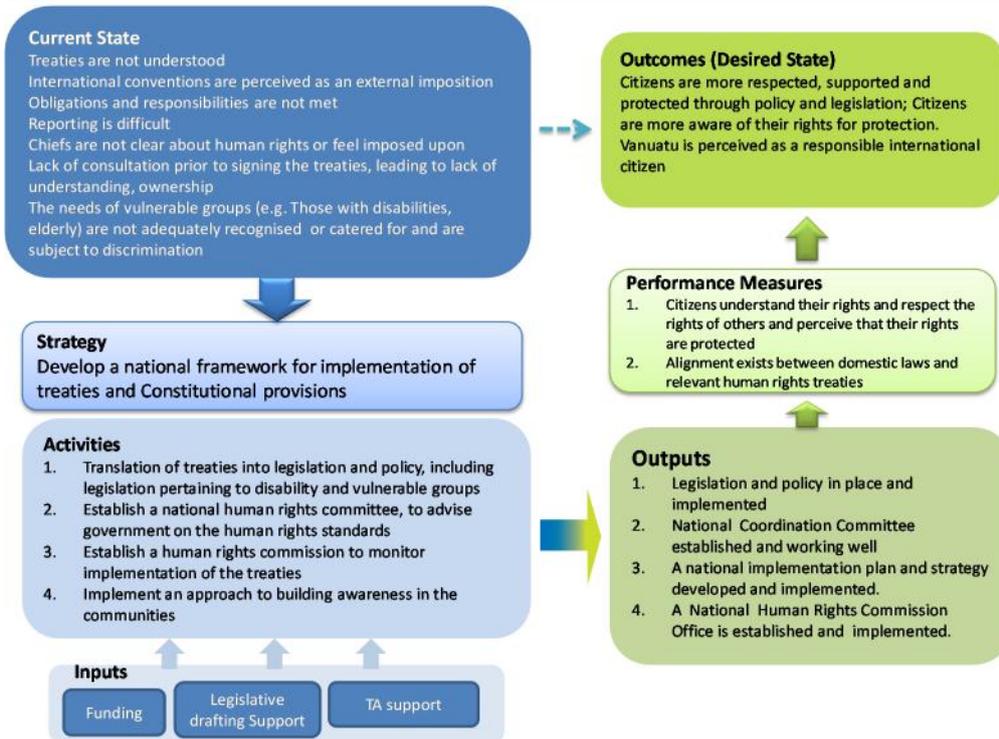
## Infrastructure Needs

PAA Policy Objective 3.2; Strategy 3.2.1



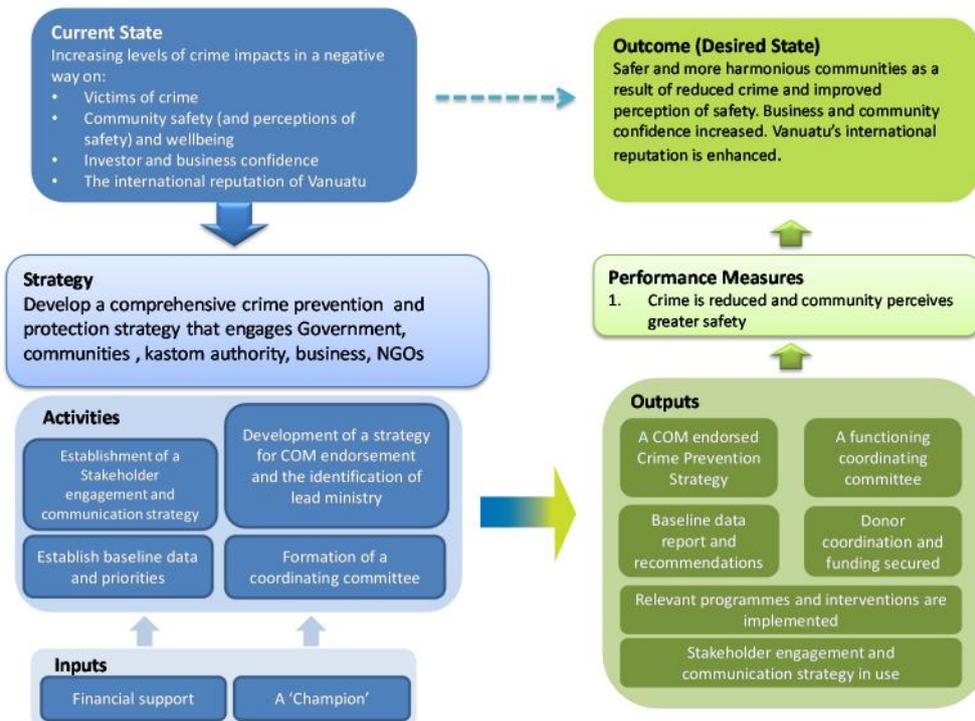
## Human Rights

PAA Policy Objective 3.2; Strategy 3.2.4



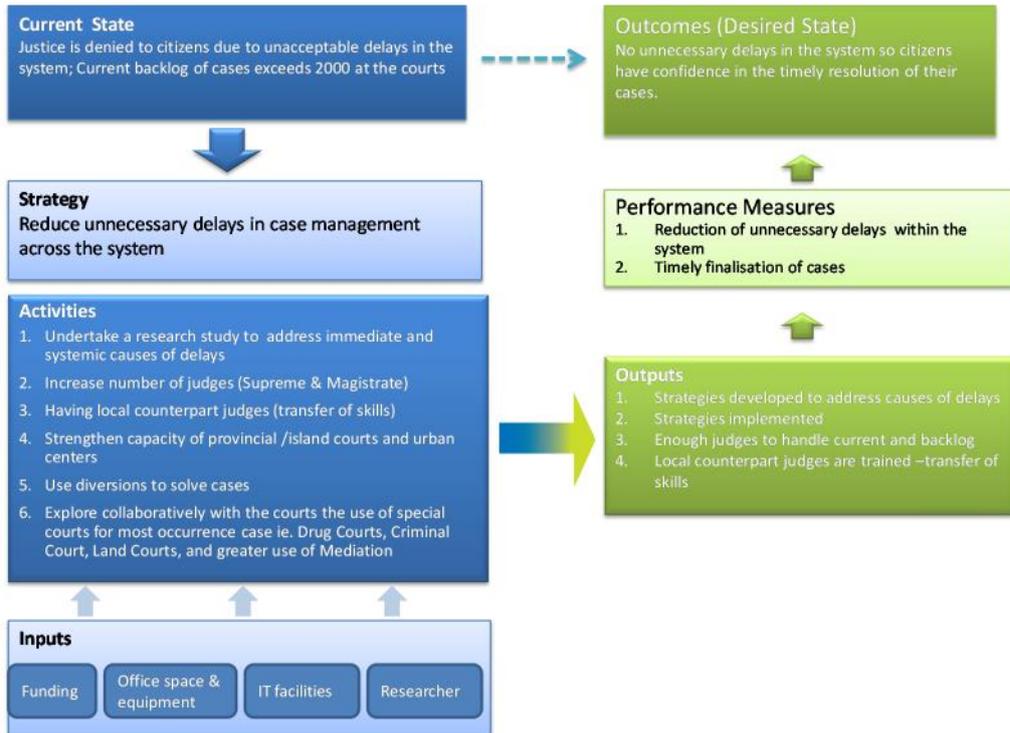
## Crime and the impacts of crime

PAA Policy Objective 3.2; Strategy 3.2.2 & 3.2.6



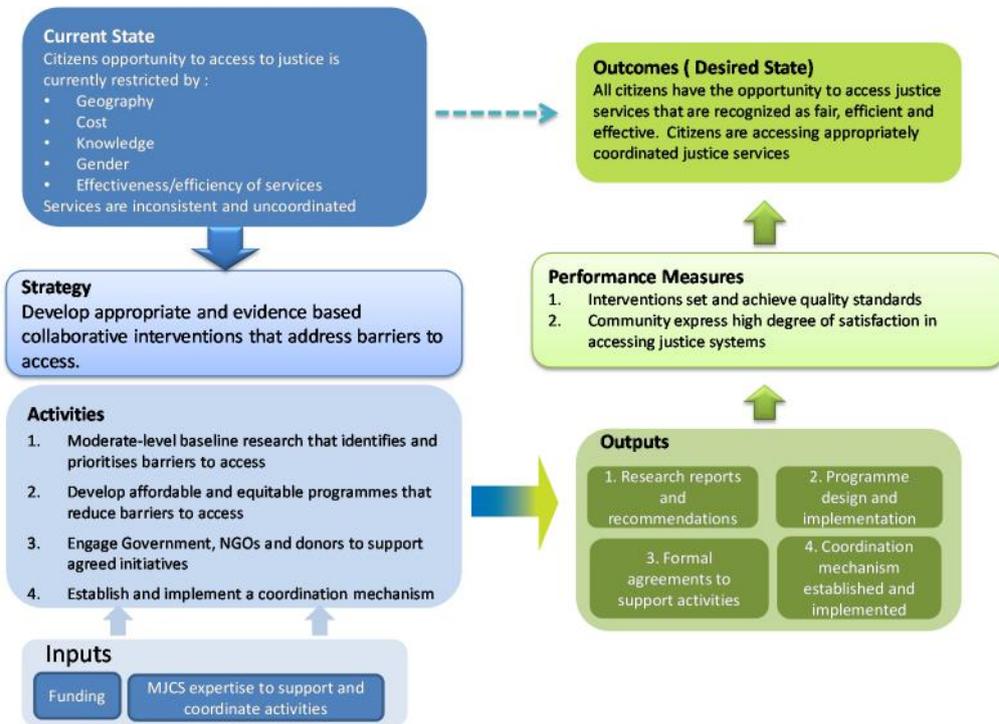
**Delays in case management**

PAA Policy Objective 3.2; Strategy 3.2.1



**Access to Justice across all provinces**

PAA Policy Objective 3.2; Strategy 3.2.1 & 3.2.6





MINISTRY OF JUSTICE AND COMMUNITY SERVICES