

Bridging the humanitarian and development nexus in justice sector reform in Vanuatu: A mapping of good global practice



HOW TO USE THIS GUIDE

To offer practical guidance to agencies across MJCS, this guide presents important information in three parts:

PART 1: VANUATU'S JUSTICE SECTOR SERVICE DELIVERY IN CRISIS - BACKGROUND, POLICY, AND PRACTICE

Part 1 offers detailed background into current policy and practice in Vanuatu and the challenges that face the sector. For agencies wishing to learn more about guiding policies and operational frameworks linked to MJCS service delivery during crisis – please refer to this section for easy reference.



PART 2: GOOD PRACTICE IN JUSTICE SETTINGS GLOBALLY

PART 2 offers examples of good practice in justice settings globally. The good practices are not prescriptive nor exhaustive, and it is up to the user of the guide to evaluate their feasibility, appropriateness to the local context, and alignment with MJCS agency mandates and service delivery operations.

This section provides examples of good global practice in:

- Crisis preparedness
- Response
- Recovery



PART 3: WHERE TO NOW – RECOMMENDED NEXT STEPS

PART 3 looks at 'where to now' for MJCS agencies in this space and sets out clear and concise recommendations for next steps.

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Introduction

In early 2023, Vanuatu enjoyed worldwide recognition as the lead of a global movement of over 120 countries which resulted in a momentous UN resolution, asking the world's highest international court to rule on the obligations of countries to address climate change. This vote is being hailed as a historic victory for climate justice and for small island developing states, like Vanuatu and neighbouring Pacific countries, who are most susceptible to the climate crisis.

This UN resolution comes in the wake of Vanuatu being hit by two Category 4 cyclones within 72 hours of each other in March 2023 and more recently in October 2023 with a Category 5 TC Lola, affecting islands across Vanuatu. The impacts of these cyclones have thwarted longer term recovery efforts in parts of the country, where some communities are still recovering from events dating back to TC Harold (2020) and TC Pam (2015). These events have, at different times, caused widespread evacuation and left parts of the country without electricity or communications capacity for several weeks. Vanuatu's justice sector machinery is not immune to these impacts.

The country's police, courts, prosecution, and defence lawyers' core capabilities are frequently interrupted when disaster strikes. Indeed, following the recent cyclones the justice sector experienced periods of disruption through court registry closures and delays to court hearings, diversion of police resources to cyclone support and electricity and water supply disrupted.

Typically, the impacts of crises fall heaviest on already vulnerable populations, but economic and social relief often fails to reach those most in need.¹ In addition, global evidence tells us that crimes and social unrest typically *increase* during crisis – especially cases of family violence.² This places increased demand on justice services, despite the services themselves attempting to recover and restore core capabilities. Historic large-scale crises such as COVID-19 and weather events such as cyclone Pam have already demonstrated diminished functioning of courts and related criminal justice services. This has had direct negative impacts on the right to counsel, the provision of timely, open, and fair hearings, and compromised the conditions in which prisoners and detainees are held.

Current justice sector initiatives

Disaster risk management is increasingly seen as a key priority for a range of international institutional and governance bodies.³ There are clear guiding national and international frameworks to support ministries and institutions on the ground.

In April 2023, the Ministry of Justice and Community Services (MJCS) convened a Senior Leadership Group (SLG) meeting to reflect on this very issue. Agency heads collectively agreed that improved coordination of service delivery during crisis was necessary. An endorsement was made by

¹ https://worldjusticeproject.org/sites/default/files/documents/WJCOutcomesReport_F_3.pdf

² United Nations Population Fund, *The Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming* (Report, 1 November 2019)

³ "Sendai Framework for Disaster Risk Reduction 2015-2030." At https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_69_283.pdf.

the SLG to install a ready presence of justice sector agencies in the Ministry's Gender and Protection Cluster (GPC), to enhance preparedness, response and recovery coordination across the chain of justice, and for agencies to identify and implement improved practices to support options during crisis.

This paper examines possible pathways to support these reforms by offering contextual grounding, including reference to relevant national and international frameworks, and the various challenges faced by the formal justice system in Vanuatu. It considers possible avenues for connection of the chain of justice with Vanuatu's current humanitarian coordination architecture. The paper then highlights emerging good practice from other regional and global settings, which - although limited, and in different contextual operating systems - provide food for thought to inspire possible future actions in Vanuatu.

Recognising the dearth of global literature and documented good practice in bridging humanitarian and development planning in justice sector reform programming, Vanuatu Australia Policing and Justice Program is supporting MJCS agencies to focus on longer term policy and strategic reforms considering the climate crisis. Strategies for targeted communication, planning, and cooperation all play an important role in mitigating the human rights risks raised by emergency situations (even outside natural weather events), particularly for vulnerable members of the community – children, women and girls and people living with disabilities.

What next?

This paper urges us all to recall the essential roles the justice sector plays in broader efforts to build confidence and resilience in communities and institutions as Vanuatu continues to navigate not only the climate crisis, but pandemics, conflict, and other crises. As Vanuatu, in recent months, grappled already with an early cyclone in the season, immediate actions could include:

1. **Convening the Sector Leadership Group** to recall the endorsement from the April 2023 meeting and nominate 1 x agency representative to the GoV's Gender and Protection cluster- with immediate effect.
2. Agencies to **review the current agency Business Continuity Plan** and update.
3. As of 2024, **ensure planning focus MJCS strategies and annual planning**, include a climate/crisis pillar with resourcing allocated to preparedness, response and recovery efforts across all agencies.
4. **Commence dedicated communications campaign** across MJCS agencies to promote actions in this space and feed into GPC communications function, tapping into reach of sector networks where possible.
5. Based on good practices outlined in this guide, agencies convene as a sector to **develop a road map** for next actions in this space for chain of justice.
6. **Building on solid international guidance**, work with MJCS and the GPC to undertake further research on current community-based mechanisms (including chiefly systems supports) to leverage non-state support for justice service delivery when state-based systems are not accessible during and after crisis.

**PART 1: VANUATU'S
JUSTICE SECTOR SERVICE
DELIVERY IN CRISIS –
BACKGROUND, POLICY AND
PRACTICE**

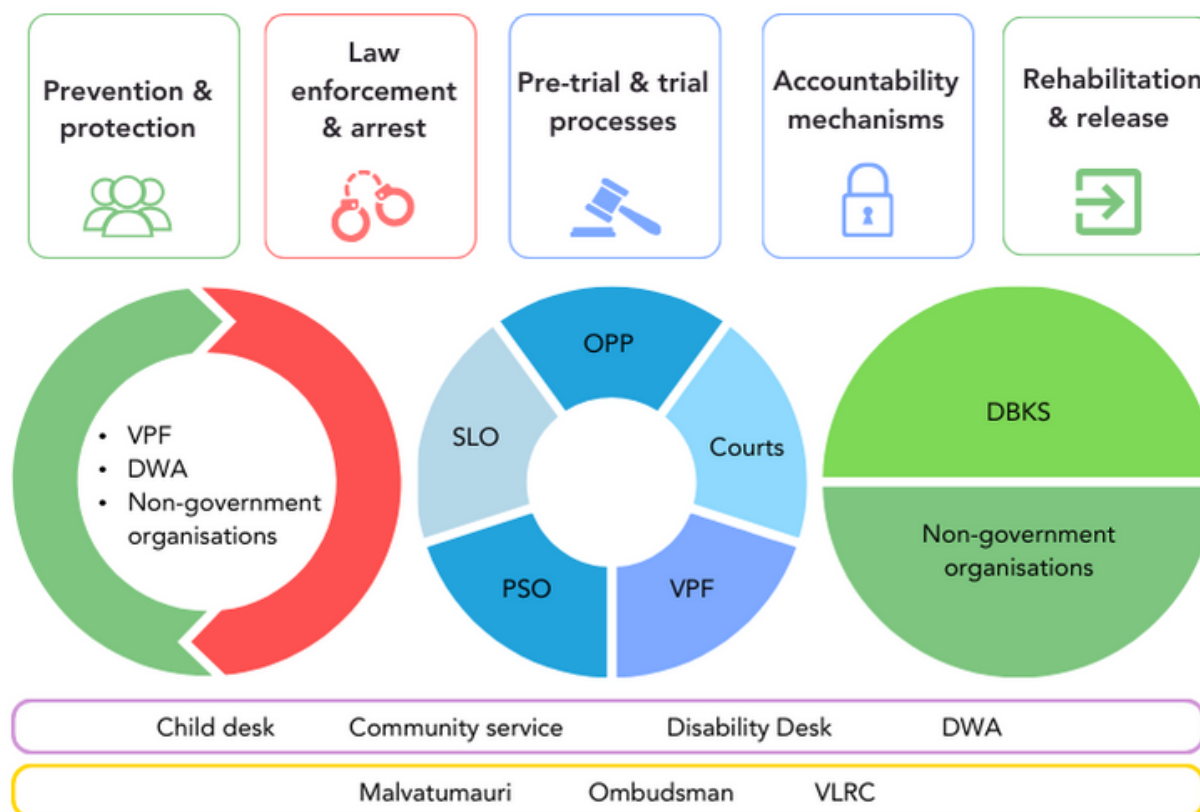
What does 'Justice Sector' mean in the context of Vanuatu?

The criminal justice sector in Vanuatu encompasses the functions of the police, prosecution and defence lawyers, courts, judiciary, and correctional services, supported by Community Services. The system comprises separate and independent agencies which requires collaboration between all agencies, for the effective delivery of justice.

The chain of justice landscape in Vanuatu

Agencies do not act in isolation but are part of an interconnected justice chain that includes a broad range of justice sector and protection actors.⁴

In Vanuatu's context this translates to a strong linkage with Malvatumauri Council of Chiefs, as chief networks play a significant role in delivering justice services in communities (in the broad sense of the term) across Vanuatu.



In addition, services delivered by the Child Desk, Disability Desk, and the Department of Women's Affairs interconnect across the chain of justice. Furthermore, in support to the state policing, justice and community services sector agencies, non-governmental organisations such as frontline protection services, including the Vanuatu Women's Centre, play an important role in delivering services.

⁴ United Nations Office on Drugs and Crime, Guidance Note Ensuring Access to Justice in the Context of COVID-19 (Report, May 2020) 13 ('Guidance Note Ensuring Access to Justice in the Context of COVID-19').

A snapshot of Vanuatu's justice sector current operations

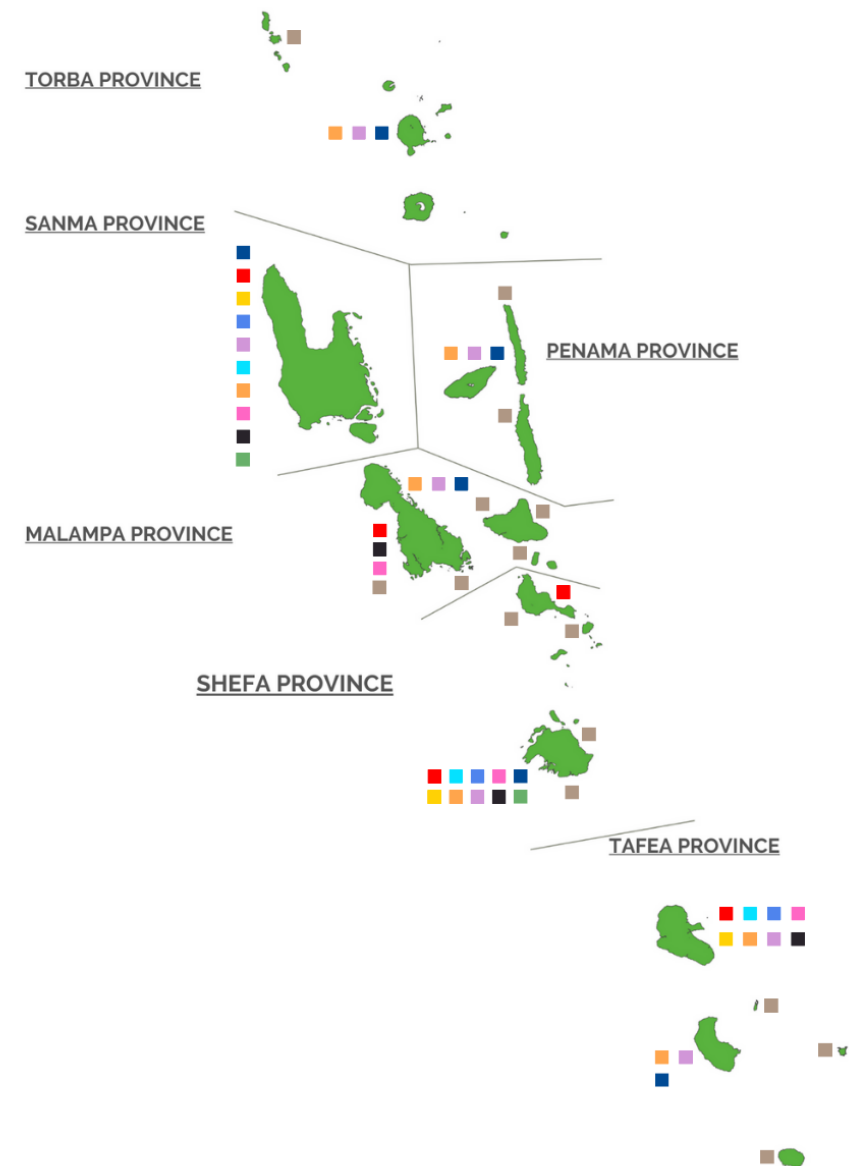
It is first important to understand the challenges currently faced by the state criminal justice system in times where there is no emergency as these pressure points currently faced by the system may be exacerbated in times of crises.

The justice sector in Vanuatu has a small human resource pool. This has a direct impact on the size and breadth of expertise available within the agencies to deliver services across the chain of justice. In addition, 70% of Vanuatu's population lives in rural areas across 65 of the country's 83 islands. This poses a particular challenge for the delivery of policing, justice and essential community protection services to mitigate risk to safety of vulnerable persons, including service of protection orders as prescribed under the *Family Protection Act 2008*.

Various studies highlight the challenges to communities accessing justice services across Vanuatu. Physical accessibility, financial accessibility and knowledge of the legal system remain ongoing key barriers to accessing justice.⁵ Kastom and a very large network of chiefs play a major role in community governance and dispute resolution, and in the delivery of justice for most people in Vanuatu. The roles of community-based justice service providers are highly important in the context of crisis. The map below represents current fixed justice services across Vanuatu. There are islands in Vanuatu that do not have any physical justice sector service presence, and there remain clear geographical challenges for officers to cover remote areas and outer islands.

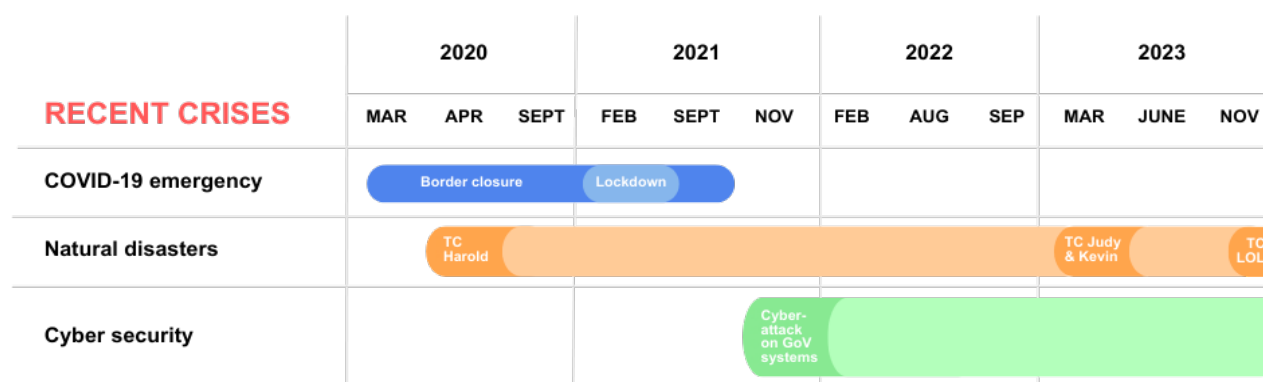
KEY

- Courts
- Correctional centres
- PSO
- OPP
- Child desk
- Disability desk
- SPD
- DWA
- VPF post
- VPF station
- Vanuatu Mobile Force



What is the impact of disasters on the Vanuatu's criminal justice system?

Vanuatu is considered the world's most at risk nation to extreme weather events.⁶ Common natural hazards include cyclones, volcanic eruptions, floods, earthquakes, tsunamis, droughts and sea level rises.⁷ It has been calculated that at least 64% of Vanuatu's citizens are exposed to natural hazards every year.⁸ In addition, recent crises have presented themselves in the form of cyber-attacks and pandemics. These crises often overlap and can occur simultaneously. The diagram below offers a snapshot of the frequency, diversity and overlay of crises which have posed new challenges and interruptions to Vanuatu's justice sector service delivery over time.



Different forms of emergencies will have a different impact on the functioning and reach of the justice system. Even smaller cyclones (category 1 or 2 cyclones) have the potential to disrupt access to justice if the cyclone warning system requires agencies to close, albeit for a shorter period of time.⁹

At its simplest, the criminal justice system is made up of individuals and institutions which form the criminal justice system. Disasters have an impact on all three – individuals, institutions, and the interconnected system itself.

⁶ United Nations Sustainable Development Group, 'Vanuatu' (Web Page, 2023) <<https://unsdg.un.org/un-in-action/vanuatu>> ('UNSDG Vanuatu').

⁷ UN Vanuatu webpage (n18).

⁸ Conor Dillon, 'Risky life on Vanuatu' DW (online, 17 March 2015) <<https://www.dw.com/en/exposed-why-vanuatu-is-the-worlds-most-at-risk-country-for-natural-hazards/a-18319825>>.

⁹ For example, TC Irene (category 2 cyclone) hit Vanuatu in February 2023.

Individual impacts

Impact on our most vulnerable

Nearly 60% of Vanuatu's population lives within one kilometre of the coast.¹⁰ Natural disasters such as cyclones, storm surges and sea level rises can require large proportions of the population to evacuate coastal areas, causing huge disruption to families and communities. For example, in 2017, the population of Ambae was evacuated due to increased volcanic activity. Internal displacement adds to the challenge of an already widely disbursed populace in ensuring the reach of the justice sector across the populace.

Commonly noted patterns around the impacts of disasters on individuals—most relevantly the country's most vulnerable—are well documented. This includes an increase in violence against women in affected communities.¹¹ Evidence from Fiji and the broader Pacific region acknowledge the significant increase in the prevalence of gender-based violence during and after disasters.¹² While evidence on the gendered impacts also of **slow-onset disasters** is still lacking in many contexts, reports from the Pacific note that the increase in domestic violence is also linked with slow-onset disasters such as droughts.¹³ Vanuatu has shown trends of sharp **increases in domestic violence cases** following disasters with reports showing up to 300% increases in cases,¹⁴ placing additional strain on the justice sector to respond.

Case study – TCs Judy & Kevin

In March 2023, 80% of Vanuatu's population—an estimated 251,319 people—were reportedly in need of humanitarian assistance following the consecutive impact of Tropical Cyclones Judy and Kevin. The cyclones caused widespread and substantial damage across the Vanuatu archipelago with Tafea and Shefa provinces the worst hit. The Gender and Protection Cluster (GPC) assessments reported arguments within families and communities related to due to food and water shortages indicating an increase in household level stress. Just under half the population of Vanuatu is female; 45% are children; 2.5% are aged 70+; and an estimated 5% has a disability. The GPC reported an increase in gender-based violence as well as reports of increased physical and emotional violence against children across Vanuatu in the aftermath of the cyclones. This increased need for justice sector support was met with a prolonged reduction in services, based on the scale of the devastation to the justice system architecture itself.

¹⁰ Christelle Cazabat, Sylvain Ponsérre and Louisa Yasukawa, Disaster displacement Vanuatu country briefing (Report, August 2022) 25.

¹¹ IFRC and E. Ferris. Unseen, Unheard: Gender-Based Violence in Disasters. Global Study. Geneva, Switzerland: International Federation of Red Cross and Red Crescent Societies, 2015; and Real Time Accountability Partnership. The GBV Accountability Framework: All Humanitarian Actors Have a Role to Play. Call to Action on Protection from Gender-Based Violence in Emergencies. CARE, Government UK, IOM, IRC, NORCAP, OCHA, UNFPA, UNHCR, UNICEF, USAID. 2019.. See also

https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAAsia/Docs/Publications/2016/02/IREACH_brief_7jan16_email.pdf for reporting relevant to Vanuatu

¹² ADB Briefs, Women's Resilience: How Laws and Policies Promote Gender Equality in Climate Change, Environment, and Disaster Risk Management in Asia and the Pacific

¹³ A. Erman et al. 2021. Gender Dimensions of Disaster Risk and Resilience: Existing Evidence. Washington, DC: World Bank

¹⁴ World Humanitarian Summit Pacific Consultation Position Paper: Gender Equality and Pacific Humanitarian Response from;

https://reliefweb.int/sites/reliefweb.int/files/resources/WHS%20paper_final%20for%20submission_PDF.pdf and Rapid Gender Analysis Cyclone Pam Vanuatu, Care, 7 April 2011 from; <https://care.ca/sites/default/files/files/RGA%20Cyclone%20Pam%20Vanuatu%207%20April%202015.pdf>.

Impacts on individuals within the justice sector workforce

It is also important to understand the impact that emergencies have on the individuals who work in the justice system. Research conducted by VAPJP in 2023 exposed the pre-existing pressures and stressors on those in the justice sector in an already resource constrained context. These pressures include those unique to these small island state jurisdictions which can directly or indirectly be attributed to the small size of the profession, the tight knit nature of communities, kinship obligations prescribed through Melanesian cultural practices (i.e. family coming first ahead of priorities in the place of work) as examples. Research indicates that these pressures only increase in times of crisis. For example, many staff need to focus on rebuilding their own homes and gardens, as well as that of extended family, post a cyclone. In addition to these stressors, research in other jurisdictions has identified the impact on individuals after facing multiple disasters, such as those faced by Vanuatu including:

- anticipatory anxiety and fear about what's coming next
- loss of momentum
- disaster fatigue of community leaders
- exhaustion, compounded by no additional resources
- work never gets caught up on
- weakening health and wellbeing - anxiety, stress, and burnout
- role confusion, job security and feelings of guilt.¹⁵



¹⁵ Vanuatu Australia Policing and Justice Program and Ministry of Justice and Community Services *Addressing the Wellbeing of Legal Professionals in Vanuatu*, at page 7.

Institutional impact

The impact of disaster on state justice agencies is similar to those faced across government and private sector. These impacts may include:

1. Damage to utility and communication infrastructure: including power lines, and other energy infrastructure, water and communications infrastructure.¹⁶
2. Damage to transport infrastructure: including damage to roads as well as a reduction in public transport options due to damage to energy infrastructure and diversion of resources.¹⁷
3. Diversion of resources: including diversion of crucial service delivery resources to support response and reconstruction efforts. The resource drain due to responding to emergencies.
4. Disruptions to workplans and diversion of resources including human resources as officers tend to be deployed for response activities.



¹⁶ Nick Sas, Jordan Fennell and Melissa Maykin, 'Australia sending rapid response team, HMAS Canberra to assist clean-up after 'evil twin' cyclones smash Vanuatu' ABC (online, 6 March 2023) <<https://www.abc.net.au/news/2023-03-06/vanuatu-in-recovery-mode-after-cyclone-disaster/102058182>>.

¹⁷ Cyclones in Vanuatu; OCHA Services ReliefWeb, 'Vanuatu Tropical Cyclone Judy and Kevin 2023 - DREF Application (MDRVU010)' (Web Page, 9 March 2023) <https://reliefweb.int/report/vanuatu/vanuatu-tropical-cyclone-judy-and-kevin-2023-dref-application-mdrv010>.

Justice system impacts

The interconnectedness of the chain of justice means that interagency collaboration and communication are vital. When one element changes the way in which it operates, it impacts the rest of the system.

For example, the ability of a victim crisis service to provide victim services—even if the organisations themselves are not directly connected to or part of criminal justice agencies—can be significantly affected by the decisions and actions taken by those other agencies across the chain of justice.¹⁸

Likewise, the decision of the courts to open or close can affect those agencies that directly work in the court system.



¹⁸ Above n2.

More directly, emergencies may have the following impacts in justice proceedings:

- delays in the police response to, and investigation of, crimes such as family violence;
- delays or paused court hearings such as bail, sentencing and trials;
- increased case backlog, particularly in rural and remote areas if court tours are cancelled, and locations directly affected by disaster;
- loss of data and information as files (both electronic and hard copy) may be destroyed during disasters;
- for individuals placed in police or Corrections custody, there may be delays to proceedings, which potentially threaten the right to personal liberty, and to have the matter heard within a reasonable time; and
- high cost of justice and protection services on vulnerable individuals.

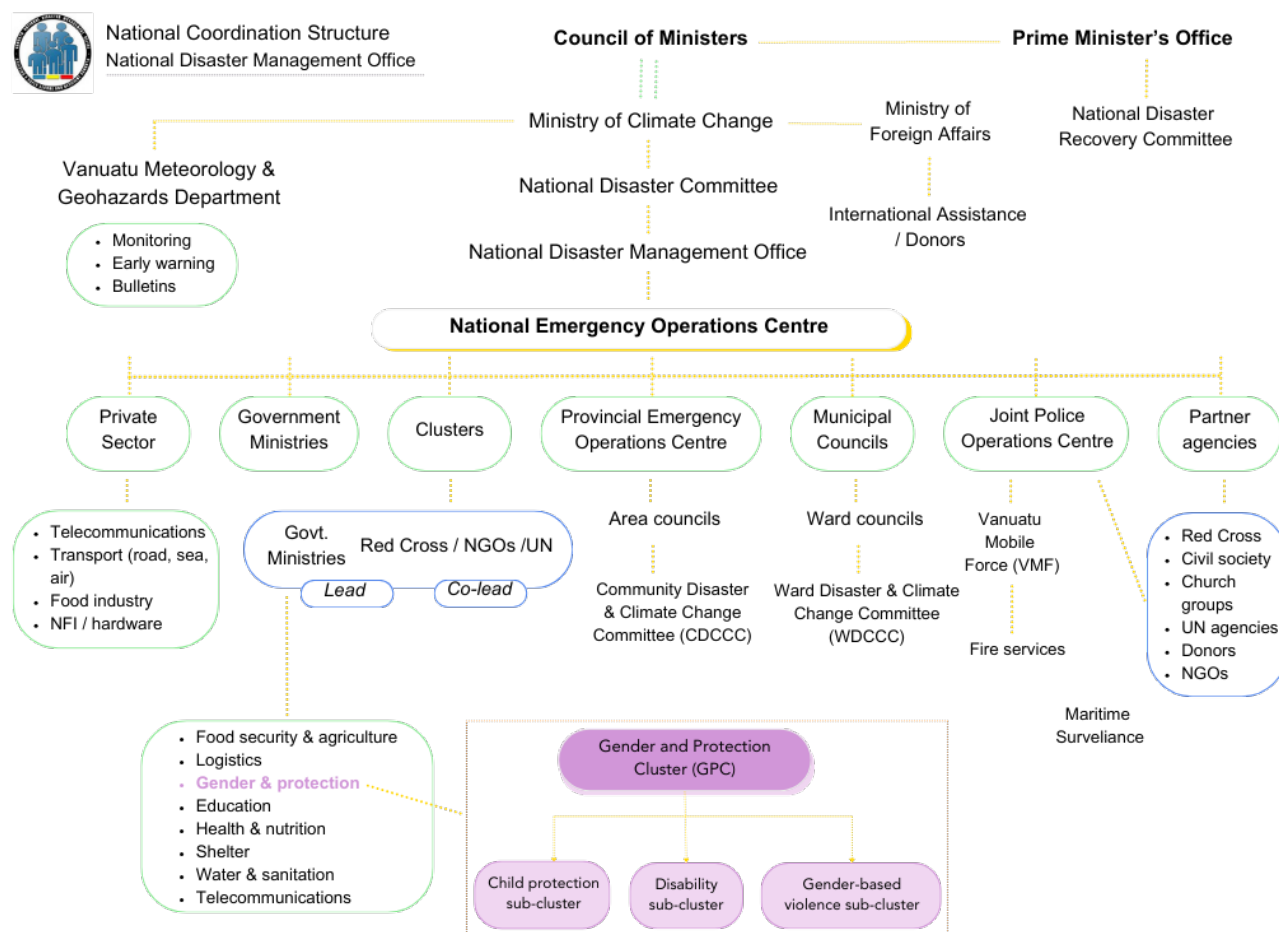
During times of public emergency, it is vital that agencies which have the potential to secure safety and protection of the community can function, to ensure that risks to impeding and limiting human rights are minimised at all stages across the chain of justice. It is therefore important also to consider how the enforcement of emergency measures (such as Government imposed curfews, movement restrictions, and agency shutdowns) can affect different sections of the population, including victims of family violence, but also including people in custody, people living with disabilities, young people, and the elderly.



Vanuatu's Disaster Response & Recovery architecture

Post TC Pam, the Vanuatu Government decided to implement a standing national cluster system to enable humanitarian agencies and government to develop and implement disaster preparedness activities during peace time.

The Gender and Protection Cluster (GPC) works closely with the Government, communities and with other humanitarian and protection actors in Vanuatu and the Pacific region to provide a coherent, coordinated, accountable, and comprehensive response to the protection needs of individuals affected by natural disasters. The GPC is led by the Vanuatu Government, the Department of Women's Affairs (Ministry of Justice and Community Services), with CARE International as co-lead. Its membership is made up of Government representatives from national ministries, donor partners, UN agencies, and international and national NGOs, with a focus and interest in gender and protection issues. As part of the National Disaster Management Office's coordination structure, the GPC contributes to improving preparedness for responding to natural disasters in a gender-and protection-sensitive manner, and ensuring that timely, effective, and coordinated assistance is provided to persons affected by natural disasters in Vanuatu during emergency operations. The GPC has three sub-cluster groups: child protection, disability and inclusion, gender-based violence.



National and international policy guiding frameworks

Disaster risk management is being integrated across institutional bodies and governments worldwide.¹⁹ There are clear guiding national and international frameworks to support ministries and institutions on the ground.

National Sustainable Development Plan 2030



Vanuatu's National Sustainable Development Plan 2030 (NSDP) offers clear guidance for the justice sector in this space, including a clearly articulated vision to achieve “enhanced resilience and adaptive capacity to climate change and natural disasters”.

The NSDP identifies the nexus between climate change and institutional resilience pillars, emphasising the importance of ensuring social cohesion for the most vulnerable, as well as ensuring timely chain of justice services are available at ALL times.²⁰ The nexus between climate change and institutional resilience is highlighted in Policy Objective 3 of the Environment pillar which includes objectives to:

- Institutionalise climate change and disaster risk governance and build institutional capacity and awareness (3.1); and
- Strengthen post-disaster systems in planning, preparedness, response, and recovery (3.3)

Climate Change and Disaster Risk Reduction Policy 2022 – 2030



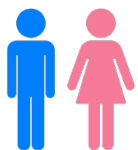
Similar policy objectives are outlined in Vanuatu's Climate Change and Disaster Risk Reduction Policy (CCDRR) ...” and emphasises the importance of mainstreaming CCDRR considerations across Government ministries in ALL corporate and business planning ensure that activities are aligned with risk reduction and sustainable development policy, and that roles and responsibilities are clear.²¹

¹⁹ Above N3

²⁰ Vanuatu's National Sustainable Development Plan 2030, Pillars 3,4 and 5

²¹ National CCDRR Policy 2022-2030.pdf (nab.vu) Vanuatu Climate Change and Disaster Risk Reduction Policy

National Gender Equality Policy 2020-2030 (NGEP)



Importantly to ALL MJCS agencies, the NGEP highlights the disproportionate impact of disaster on women and girls because of existing social inequalities they face and emphasises the importance of appropriate and timely interventions post disaster to ensure development gains are sustained.²² The elimination of violence against women and girls is the focus of strategic area 1 of the NGEP, with a strong emphasis on the justice sector with policy objective 1.4 as “to ensure the accountability of justice systems and institutions in safeguarding women and children and supporting family reconciliation”. Strategic area 5 of the NGEP is “Fostering gender responsive and community-driven solutions to climate and disaster resilience”.

The actions in strategic area 5 highlight the importance of institutional responses and include:

- Increasing capacity of climate change and disaster government bodies to respond to the needs of vulnerable groups (5.1.2);
- Integrate gender and social protection outcomes into climate change and disaster-related legislation, policies and programs (5.1.1);
- Develop SOPs on gender-based violence in emergencies and displacement (5.2.1); and
- Improve coordination, function and operation of Gender and Protection Cluster at subnational levels (5.2.2).

Vanuatu National Child Protection Policy 2016-2026



Strategic Area 8 of this policy focuses on mainstreaming child protection in emergencies. It “recognizes the need to mainstream, strengthen and scale up current Disaster Risk Reduction and Emergency Response initiatives ensuring children are protected in emergency situations...”. Policy objectives include ensuring that national emergency preparedness plans reflect child protection intervention; that child protection is mainstreamed into national emergency preparedness plans and **that there is integration of child protection considerations across all sectors.**

²² Vanuatu National Gender Equality Policy 2020-2030, p 8.

National Disability Inclusive Development Policy 2018-2025



This policy outlines that “planning for disaster risk reduction and climate change resilience must include persons with disabilities at the national, provincial and community levels” and notes emerging evidence that people with disabilities face greater risks in a disaster (p17). Strategic Area 1 of this policy, mainstreaming the rights of persons with disabilities, requires that people with disabilities should be included in all aspects of disaster risk reduction work and rights of people with disabilities must be mainstreamed into disaster risk reduction policies.

International Guiding Standards



Internationally, there are detailed global standards for the movement of vulnerable persons through chain of justice processes including the *Interagency Minimum Standards for Gender-Based Violence in Emergencies*²³ which includes legal and justice sectors support to survivors of gender-based violence to access safe and survivor-centred legal services in crisis. In addition, the *Minimum Standards for Child Protection in Humanitarian Action*²⁴ offers dedicated guidance on promotion of best treatment of children in contact with the justice system in times of crisis.

²³ <https://www.unfpa.org/minimum-standards>

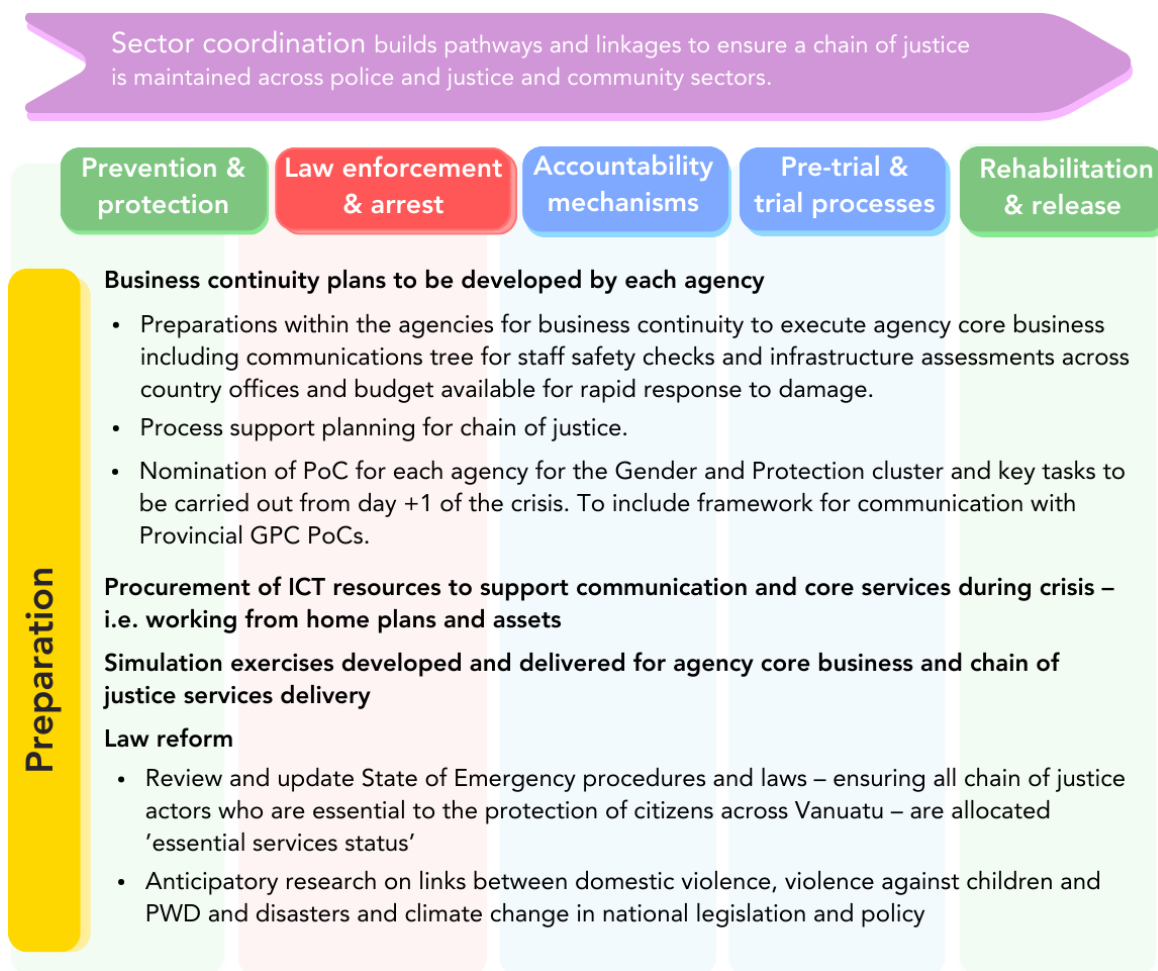
²⁴ <https://alliancecpha.org/en/cpms-child-protection-minimum-standards>

PART 2: GOOD PRACTICE IN JUSTICE SETTINGS GLOBALLY

Before crisis: Importance of preparation

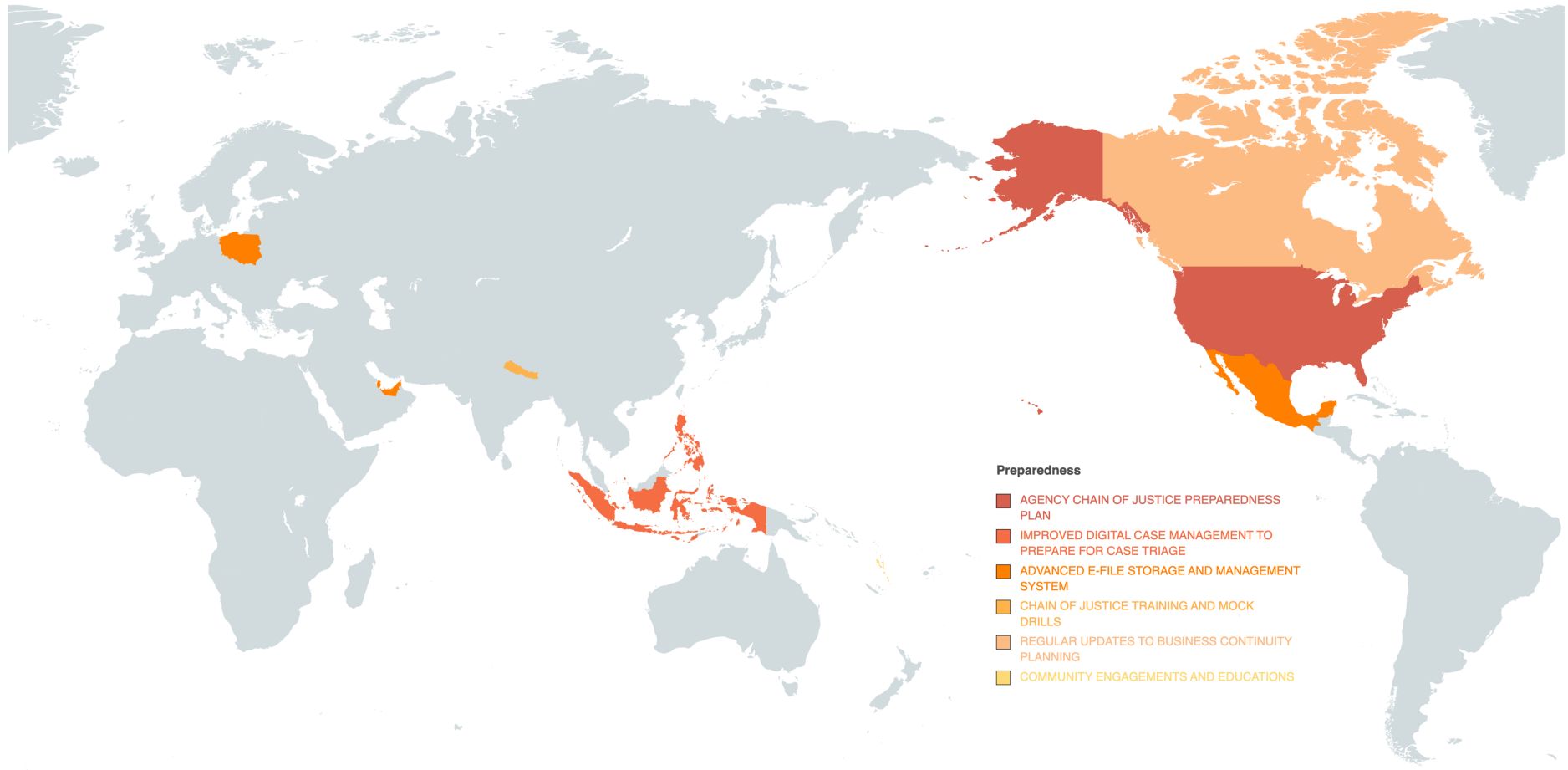
Due to the essential role that justice sector and law enforcement authorities play in reducing and responding to risks during crisis, and supporting people's rights, particularly for the young, vulnerable and marginalised, allowing for temporary adjustments to the functioning of the justice sector should form part of a comprehensive, national plan for continued access to justice in the context of a disaster (whether caused by climate change or not).²⁵ While Vanuatu is more prone to natural disasters, there are learnings from justice systems across the world as to how they have prepared, responded and recovered to a variety of crises, regardless of the cause of the disaster.

The below draws on good practices from different settings across the world, and in different aspects across the chain of justice. Understanding how other jurisdictions have grappled with the impacts a disaster has on their justice system and steps that can be made to prepare for such impacts may assist agencies in Vanuatu to learn from and adopt and adapt those practices that might work to ensure resilient and confident communities, during crisis.



²⁵ United Nations Office on Drugs and Crime, *Guidance Note Ensuring Access to Justice in the Context of COVID-19 (Report, May 2020)* 12.

Preparedness map



<p>AGENCY CHAIN OF JUSTICE PREPAREDNESS PLAN</p>	<p>United States: The American Bar Association has 5 formalised principles for maintenance of the rule of law in crisis: pro-active planning, collaboration across the chain-justice, standby Care of pro bono lawyers to support most vulnerable/affected, to support state offices who might be on reduced capacity).²⁶</p> <p>Vanuatu: COVID-19 agency preparedness plans developed for MJCS which can be replicated into broader disaster planning beyond public health crises.</p>
<p>IMPROVED DIGITAL CASE MANAGEMENT TO PREPARE FOR CASE TRIAGE</p>	<p>Philippines and Indonesia: ensuring ongoing maintenance and up-to-date account of remandees and classification of inmates in case of urgent evacuation (breakdown according to type of disaster/crisis).²⁷</p>
<p>ADVANCED E-FILE STORAGE AND MANAGEMENT SYSTEM</p>	<p>Qatar, UAE, Mexico, Poland: Electronic file information about cases, to reduce paper dependence and waste, and enhances timely services in crisis.</p>
<p>CHAIN OF JUSTICE TRAINING AND MOCK DRILLS</p>	<p>Nepal: Testing coordination to assess effectiveness of referral pathways is essential. This must consider the diverse social dynamics and power structures within communities. This includes identifying individuals at risk, such as women, children, persons with disabilities and understanding their specific risks and challenges.²⁸</p>

26 American Bar Association 2007. a. "Model Court Rule on Provision of Legal Services Following Determination of Major Disaster." https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/hundredfour.pdf

27 Haigh, R., and Preston B.. 2020. "The Court System in a Time of Crisis: COVID-19 and Issues in Court Administration." Osgoode Hall Law Journal 57(3): 869–904.

28 <https://www.preventionweb.net/news/how-comprehensively-integrate-protection-gender-and-inclusion-anticipatory-action-case-study>

<p>COMMUNITY ENGAGEMENTS AND EDUCATIONS</p>	<p>Vanuatu: Guidance on mechanisms for the participation of, and roles for, local communities, Chiefs, women's representatives, faith-based groups and vulnerable and minority groups in new institutional arrangements and decision-making processes.²⁹ The justice sector plays a critical role in disseminating information on rights and access to justice services; advocacy and referral including dissemination through media,³⁰ by sharing useful resources for chiefs, mediators, women representatives, pastors, and other community members.</p> <p>Guatemala: Improving Maya Women's Access to Justice in Rural Guatemala A2J for indigenous women through legal literacy and education services.</p> <p>Philippines and Peru, in accordance with their respective contingency plans, drills are conducted in prisons so that prison personnel and detainees are prepared for different potential disasters, and understand their roles and responsibilities.³¹</p>
<p>REGULAR UPDATES TO BUSINESS CONTINUITY PLANNING AND MAINSTREAMING DISASTER RESPONSE PLANS INTO CORPORATE PLANS AND BUSINESS PLANS AS A CROSS-CUTTING STRATEGIC OUTCOME</p>	<p>Canada: frequent review and update of business continuity plans is essential to account for emerging realities across the chain of justice</p>

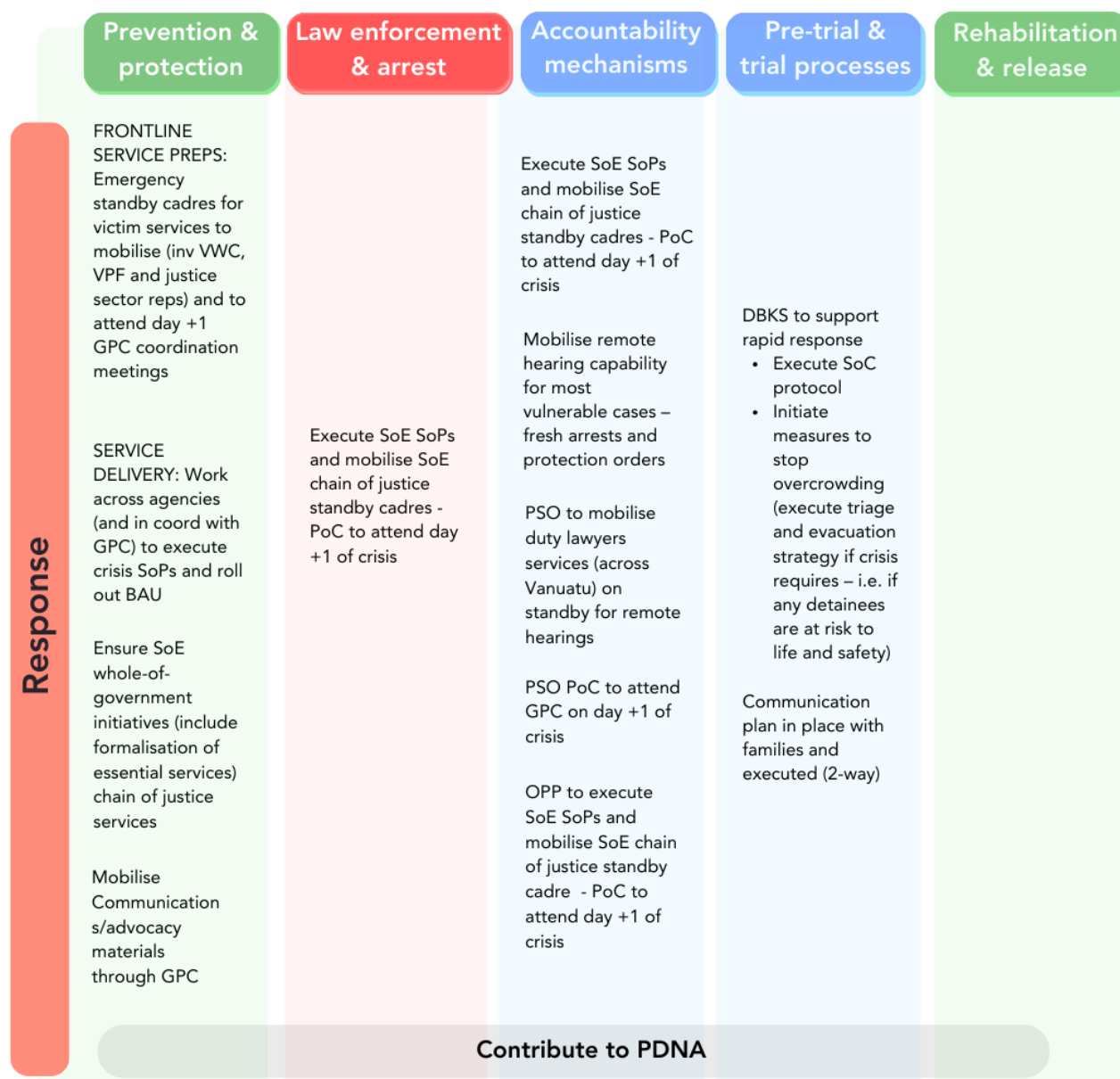
29 Vanuatu National Policy on Climate Change and Disaster-induced displacement (Policy Document, 2018)

30 United Nations Office on Drugs and Crime, *Guidance Note Ensuring Access to Justice in the Context of COVID-19* (Report, May 2020) 18.

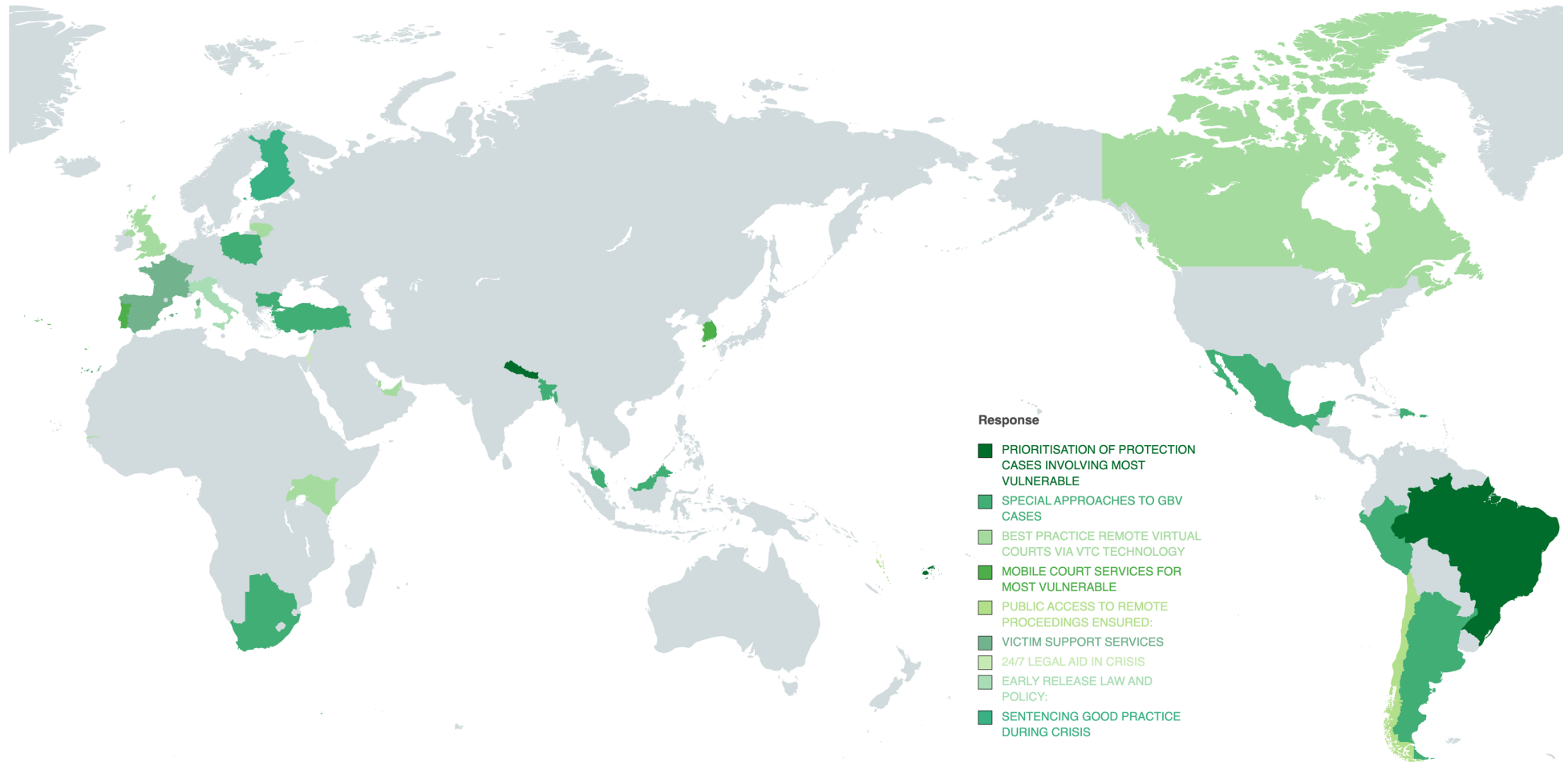
31 Penal Reform International, 'Natural hazards and prisons: Protecting human rights of people in prison in disaster prevention, response and recovery: A guide to disaster risk reduction for prisons' (December, 2021) 15, 2

During crisis: Good practice in response programming

The diagram below provides an overview of guidance for good practice, drawn from settings across the world, across the chain of justice for the consideration of the Vanuatu's justice sector to aid crisis response in chain of justice programming. Following this, see below selected snapshot examples from the region and globally to illustrate good practice.



Response map



<p>PRIORITISATION OF PROTECTION CASES INVOLVING MOST VULNERABLE</p>	<p>Nepal, Fiji and Brazil: During a disaster, courts are forced to scale down their functions; for example, COVID-19 caused non-urgent trials to be postponed across jurisdictions. Courts should have clear criteria for how cases will be prioritised in this context while ensuring that all efforts are made to protect the human rights of defendants. Priority should be given to cases involving child offenders, crimes against children, violence against women and children³², serious crimes, and cases where the statute of limitations may be impending.³³</p>
<p>SPECIAL APPROACHES TO GBV CASES</p>	<p>Countries taking particular steps in respect of gender-based violence matters as follows:</p> <ul style="list-style-type: none"> • Botswana, Bulgaria, Poland, and Turkey: courts always open for domestic violence and family matters. • Bangladesh and Dominican Republic: prioritises GBV hearings through virtual arrangements. • Malaysia: introduced innovative computerised procedure in order to allow victims to obtain protection orders, access to shelters and legal assistance. • Peru, Puerto Rico: enabled the ability to request a protection order through email or WhatsApp. • Argentina and, Brazil: extended the validity of protection orders due to expire during crisis. • South Africa: AI for Good – developed ‘rAInbow’ a chatbot designed to converse with women facing domestic violence. • Mexico: hotline to assist women at risk, sorority networks to support women, direct financial support for women at risk, online training for chain of justice actors to treat GBV cases.³⁴
<p>BEST PRACTICE REMOTE VIRTUAL COURTS VIA VTC TECHNOLOGY</p>	<p>Lithuania, Canada, and the UK: system with acceptable safeguards to protect personal privacy of the parties involved in each case. Process inc. cost effective software, Advance Testing procedures to minimise interruption in proceedings, and protocols to address needs of the most vulnerable.^{35 36}</p>

32 <https://www.preventionweb.net/news/how-comprehensively-integrate-protection-gender-and-inclusion-anticipatory-action-case-study>

33 United Nations Office on Drugs and Crime, Guidance Note Ensuring Access to Justice in the Context of COVID-19 (Report, May 2020) 13.

34 World Justice Challenge Outcomes report 2021

35 Canada – <https://www.oecd.org/governance/global-roundtables-access-to-justice/access-to-justice-compendium-of-country-practices.pdf>

36 Above n34

	Kenya, Uganda, Gambia: accessible courts programming in prisons by training prisoners and staff on paralegals and lawyers, equipping them with skills to assert rights and provide legal services to themselves and others. ³⁷
MOBILE COURT SERVICES FOR MOST VULNERABLE	Portugal: mobile service taking VCT and phones to remote and impoverished rural areas in the interior of the country, to reach citizens who do not otherwise have access to remote technology.
REMOTE COURTS RULED INAPPROPRIATE (due to human rights)	<p>Portugal: Certain procedures (urgent protection of children, procedural acts and trial of imprisoned defendants) still being carried out in person due to risks to rights.</p> <p>South Korea: Civil Procedural Rules allow remote proceedings in the pre-trial conference and pre-trial hearing (by consent), but not trial.</p> <p>Mexico: in-person trials only retained for: i) family issues; ii) violence; iii) legal protection for minors, children and women; iv) noting guarantee of fair trials at risk for these groups.</p> <p>United Kingdom: Fair trial risks for children in remote hearings accounted for.³⁸</p>
PUBLIC ACCESS TO REMOTE PROCEEDINGS ENSURED	<p>Lithuania, Chile, Malaysia: ensure all relevant hearings are either live to public, or recordings made for public access.</p> <p>Vanuatu: phone services CJ webinar.</p>
VICTIM SUPPORT SERVICES	<p>France and Spain: during public health crisis - emergency contacts/services for victim support providers embedded at pharmacies.</p> <p>United States: communications on emergency victim support services installed at food banks, grocery stores, and public service announcements on kids-based television programs.³⁹</p>

³⁷ <https://worldjusticeproject.org/world-justice-challenge-2021/increasing-access-justice-and-providing-legal-education-through-online>

³⁸ Standing Committee for Youth Justice (2018), *They just don't understand what's happened or why: A report on child defendants and video links*, Standing Committee for Youth Justice

³⁹ National Institute of Justice, *Promising Practices from Victim Services Providers' COVID-19 Response*.

24/7 LEGAL AID IN CRISIS	Lithuania, Israel: developed a full structure for remote IT, phone capability including standby cadres for physical appearance in courts.
EARLY RELEASE LAW AND POLICY	<p>Italy: used existing early release/alternative to imprisonment, avoiding requirement to introduce “emergency powers” (pardons, amnesties, or other emergency laws) which can often be passed (even in a single day) with little scrutiny or oversight.⁴⁰</p> <p>Ethiopia: protocol allowed President granted pardon to more than 4,000 prisoners on those with a maximum sentence of three years and those approaching their release. US - some states decided to release hundreds of pretrial detainees and other prisoners sentenced for minor crimes. Certain categories of prisoners are typically excluded from such initiatives, including those convicted for sexual offences, domestic violence and other violent crimes.⁴¹</p>
SENTENCING GOOD PRACTICE DURING CRISIS	Finland: introduced measures to postpone enforcement of sentences for 6 months during SoE and promotes non-custodial alternatives.

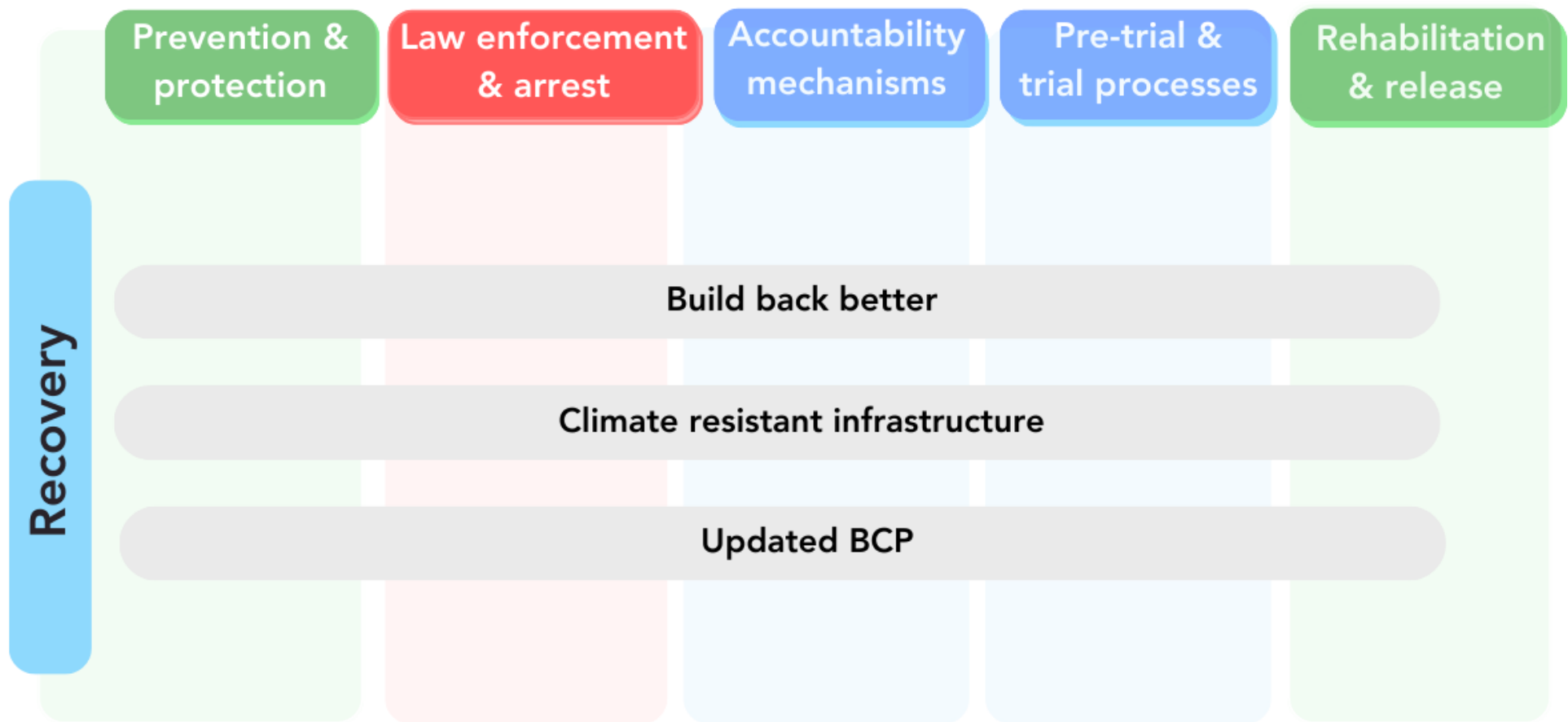
40 Penal Reform International, *Crisis-ready noncustodial sanctions and measures*. https://cdn.penalreform.org/wp-content/uploads/2022/01/10-point-plan_Crisis-ready-non-custodial-sanctions-and-measures-ENG-2.pdf

41 UNODC, 2020, *Position Paper COVID-19 preparedness and responses in prisons* 31 March 2020.

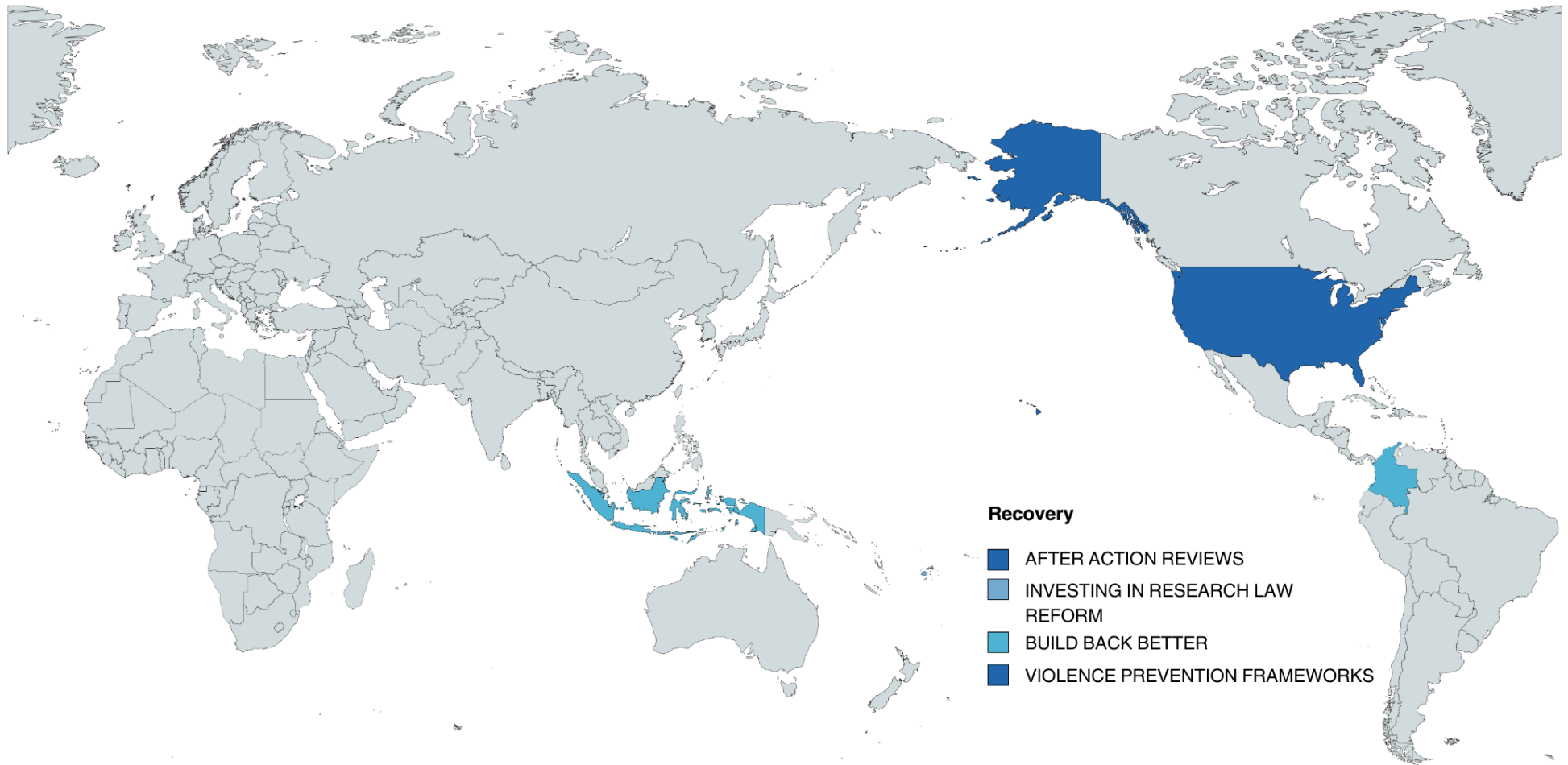
After crisis: Good practice in recovery programming

See below for guidance for good practice, drawn from settings across the world, across the chain of justice for the consideration of the Vanuatu's justice sector to aid crisis recovery in chain of justice programming. Following this, see below selected snapshot examples from the region and globally to illustrate good practice. The recovery phase informs the preparedness phase.

For example, in “building back better” and ensuring infrastructure is cyclone ready, while part of the recovery phase, also ensures that infrastructure is prepared for the next crisis.



Recovery map



Created with mapchart.net

AFTER ACTION REVIEWS	United States: Courts Emergency Management “Lessons Learned” Focus Group Emergency developed detailed improvement strategies to promote continuous improvement in courts. ⁴²
INVESTING IN RESEARCH LAW REFORM	Fiji: Research to promote understanding of nexus between climate change, disaster, family violence to create better law, policy and practice – Fiji’s Domestic Violence Act and National Protocol for Fiji National Service Delivery Protocol for Responding to Cases of Gender-Based Violence 2018 now including referral pathways for emergency and disaster. ⁴³
VIOLENCE PREVENTION FRAMEWORKS	United States: reinforced prevention of family violence frameworks by including the involvement of domestic violence services and women in recovery efforts. ⁴⁴
BUILD BACK BETTER	<p>Indonesia: has published comprehensive guidance and SoPs for prisons, including climate resistant infrastructure (across all climate events scenarios - including earthquake, cyclone, tsunami etc).</p> <p>Columbia: LegalApp free consultation app on how to follow justice routes for conflict resolution.</p>

42 An emergency operation centre is a central command and control facility responsible for carrying out the principles of emergency management and ensuring the continuity of government operations during an event. The report found that ‘the judiciary is not considered to be an essential EOC stakeholder when vital decisions are made regarding communications, emergency response, and deployment of resources.

43 ADB Briefs, *Women’s Resilience: How Laws and Policies Promote Gender Equality in Climate Change, Environment, and Disaster Risk Management in Asia and the Pacific*
<https://www.adb.org/publications/women-resilience-gender-climate-change-asia-pacific>

44 <https://knowledge.aidr.org.au/resources/ajem-apr-2013-the-hidden-disaster-domestic-violence-in-the-aftermath-of-natural-disaster/>



PART 3: WHERE TO NOW - RECOMMENDATIONS FOR NEXT STEPS

Recommended next steps

Disaster risk management is becoming a mainstream consideration across a range of institutional and governance domains.⁴⁵ Recognising the dearth of global literature and documented good practice in bridging humanitarian and development planning in justice sector reform programming, VAPJP is supporting MJCS to turn its focus on longer term policy and strategic reforms considering the climate crisis. Strategies for targeted communication, planning, and cooperation all play an important role in mitigating the human rights risks raised by emergency situations (even outside natural weather events), particularly for vulnerable members of the community. This paper urges us all to recall the essential roles the justice sector role to plays in broader efforts to build confidence and resilience in communities and institutions as Vanuatu continues to navigate not only the climate crisis, but pandemics, conflict, and other crises.

As Vanuatu grappled already with an early cyclone in the season, immediate actions could include:

1. **Convening the Sector Leadership Group** to recall the endorsement from the April 2023 meeting and nominate 1 x agency representative to the GoV's Gender and Protection cluster- with immediate effect.
2. Agencies to **review the current agency Business Continuity Plan** and update.
3. As of 2024, **ensure planning focus MJCS strategies and annual planning**, include a climate/crisis pillar with resourcing allocated to preparedness, response and recovery efforts across all agencies.
4. **Commence dedicated communications campaign** across MJCS agencies to promote actions in this space and feed into GPC communications function, tapping into reach of sector networks where possible.
5. Based on good practices outlined above, agencies convene as a sector to **develop a road map** for next actions in this space for chain of justice.
6. **Building on solid international guidance**, work with MJCS and the GPC to undertake further research on current community-based mechanisms (including chiefly systems supports) to leverage non-state support for justice service delivery when state-based systems are not accessible during and after crisis.

⁴⁵ Above n3.