



Ministry of Justice and
Community Services



Annual Report

2015



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Acronyms

CCPC	Community Child Protection Committee
COM	Council Of Ministers
CLMO	Customary Land Management Office
CLO	Customary Land Officer
CP	Child Protection
CSU	Corporate Services Unit
DCS	Department of Correctional Services
DoL	Department of Lands
DWA	Department of Women's Affairs
GRB	Gender Responsive Budgeting
HoAG	Heads of Agencies under the Justice Sector, including Departments, Constitutional Bodies and Statutory Bodies
LMPC	Land Management Planning Committee
MC	Magistrates Court
MCC	Malvatumauri Council of Chiefs
MJCS	Ministry of Justice and Community Services
PCPC	Provincial Child Protection Committee
PJSPV	Policing and Justice Support Program Vanuatu
PMO	Prime Minister's Office
PPO	Public Prosecutor's Office
PSO	Public Solicitor's Office
SCV	Supreme Court of Vanuatu
SLO	State Law Office
SPD	State Prosecutions Department
SRBJ-VLJP	Stretem Rod Blong Jastis – Vanuatu Law and Justice Partnership
UNICEF	United Nations Children's Emergency Fund
VLC	Vanuatu Law Commission

Foreword

By the Minister of Justice and Community Services

Our sector made history this year in what is regarded as an extremely important justice outcome in Vanuatu, particularly because our country has ratified the United Nations Convention Against Corruption (UNCAC). Sixteen members of parliament (MPs) were prosecuted for Corruption and Bribery of Officials. One MP pleaded guilty, one was found not guilty and fourteen MPs were found guilty at first instance. The case was very high profile and the decision of the Court held the attention of our nation and the rest of the world in the establishment of a new precedent for future cases of this nature.

The case brought the sector into the spot light, in how we functioned right from investigations by the Police, through to Prosecutions and the final verdict by the Courts. The events from the case made us realise that there is much to do in terms of making people aware of what our duties and responsibilities entail. We are optimistic that we will do much more in this area in 2016.

I am pleased to introduce the Ministry of Justice and Community Services (MJCS) Annual Report 2015. Annually, the MJCS compiles a report, which features summaries of annual reports from agencies within the sector. This is done as a collaborative effort to share information together as a sector to the public. This is our third Annual Report containing the Sector's progress against government priorities as an integrated justice and community services sector.

As the new Minister of Justice (appointed February 2016), I take this opportunity to acknowledge the contributions of my colleagues, the former Ministers of Justice, MP Alfred Rolland Carlot, MP Hosea Nevu, MP Dunstan Hilton, MP Robert Bohn, to this Ministry during the course of 2015. On the same note, I would like to congratulate the agencies across the sector for their efforts in contributing to this report. It is my strong hope that the Ministry and all departments, and institutions under this Ministry, will continue to collaborate and work together for efficient and effective service delivery, much needed by our people, and especially to those in the rural and remote areas of our country. It is our responsibility to do so.

I wish to also take this opportunity to thank our partner Government Ministries, as well as our Civil Society, faith based organisations and our Development Partners for all the support of and cooperation and partnership with the Ministry in 2015.

Hon. Vus Warocet Ronald Warsal, MP
Minister of Justice and Community Services

By the Director General

Of the Ministry of Justice and Community Services as well as the Chairman of the Heads of Agencies Group that implements the Justice and Community Services Sector Strategy 2014-2017.

I think it's fair to say that 2015 has been a big year, both an exciting yet a challenging year for the law and justice sector. We encountered devastating Tropical Cyclone Pam and its aftermath in March 2015 then made history through the successful prosecution of the 16 MPs for Corruption and Bribery of Officials. The case caused quite a stir in the country and brought spot light on the sector particularly because it is the sector responsible for the implementation of the United Nations Convention Against Corruption (UNCAC). It has been a defining moment for us as a country in implementing this convention.

We also encountered political instability which continued until a snap general election was held in January 2016 for the formation of a new Government. I truly believe that with all the challenges faced in 2015, the sector did have some success stories.

We had some success in terms of ongoing capacity development and institutional strengthening support for individuals and organisations, particular in the Human Resources and Financial Management areas. Furthermore, the Ministry's Corporate Services support 'Hub' has been enhanced via recruitment of five new key coordinating positions, to provide support to our line agencies.

Another remarkable achievement this year is the 'going live' of the Case Management System by the Courts and State Law Office (SLO), marking a new era in the management and progression of cases, by the Judiciary and the SLO.

We have also finalised two Optional Protocols Reports of the UN CRC for submission - the United Nations Convention of the Rights of People with Disability (UNCRPD) and United Nations Convention on the Elimination of Discrimination against Women (UNCEDAW) response now to be considered by CEDAW Committee.

This year also saw the appointment of a new Public Prosecutor as outcome of our joint effort in strengthening the Public Prosecutor's Office (PPO), and in a timely manner, to take on the leading role in the prosecution of the bribery case of the 16 MPs and pending conspiracy case before the Courts.

Common challenges co-existed this year including political instability and limited budget to carry out our functions which in turn affected the Ministry's mandate in driving proposed policy changes. Our working groups have not been as active as anticipated thus, the JCSSS implementation has not progressed as much as we believed possible at the start of that journey. In saying that, we have worked out 'other ways' to implement the JCSSS and it is hoped that progress will be more evident in 2016.

Despite the challenges, we have strived to do the best we can, with the limited resources we have. Our donor partners and stakeholders have provided pivotal support to our sector, not only in terms of funding, but also technical advisor support and capacity development. Our successes would not have been possible without that support. Thus as Director General and Chair of HoAG, it is with sincere gratitude that I offer my deepest thanks to all the agencies within the Sector, to our Development Partners, and our civil society stakeholders for all the hard work and the cooperation without which, all our successes this year would not have been possible.

I look forward to continued corporation and support by and from all our stakeholders in many more years to come.

Mark Peter Bebe
Director General and Chairman of HoAG
Ministry of Justice and Community Services - 2015

About us

Our Vision

The Ministry has the same vision and mission as set out in the Justice and Community Services Sector Strategy; *'jastis, sefti, digniti mo gud fasin blong evriwan.'*

Our Mandate

The Ministry of Justice and Community Services (MJCS) is responsible for, or provides support to, a number of agencies within the justice sector: the courts (Supreme, Magistrates, and Island Courts), the tribunals, the correctional centres, child rights, family protection, disability advocacy and services, empowerment of women, and public prosecution and defence services as well as legal advice to government. It also provides support to agencies that review law, make new laws and implement relevant UN Conventions including those that relate to the matters described above as well as safeguarding human rights.

Main Delivery Arms
Ministerial Portfolio
Corporate Services Unit
Department of Correctional Services
Department of Women Affairs
Child Desk
Disability Desk
Constitutional Bodies
Judiciary and Judicial Service Commission
Public Prosecutor's Office
Public Solicitor's Office
Malvatumauri National Council of Chiefs
Ombudsman's Office (reports to the Prime Minister's Office)
Statutory Bodies
Vanuatu Law Commission
Customary Land Management Office
Office of the Land Ombudsman
Other Bodies that the Ministry provides support
State Prosecutions Department (reports to the Prime Minister's Office as well as MJCS)
State Law Office (reports to the Prime Minister's Office)
Vanuatu Police Force (reports to the Prime Minister's Office)
UN Conventions Implemented by the Ministry
United Nations Convention on the Rights of a Child (UNCRC)
United Nations Convention on the Rights of Persons with Disability (UNCRPD)
United Nations Convention on the Elimination of All Forms of Discrimination Against Women (UNCEDAW)
United Nation's Convention Against Torture (UNCAT)
International Covenant on Civil and Political Rights (ICCPR)

United Nation's Convention on the Rights of People with Disability
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (OP-CEDAW)
Optional Protocol on the Rights of the Child on the involvement of children in Armed Conflict (OP-CRC-AC)
Optional Protocol on Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Our Agencies

The MJCS in collaboration with the Justice & Community Services Sector cover the largest jurisdiction in government. Each year, hundreds of men, women and children access the services provided through this sector.

Our core function is to support all parts of the justice and community services in promoting justice and providing fair, accessible and equitable services, and to enable collaboration and coordination in the effective and efficient delivery of services.

The Department of Women's Affairs and the Department of Correctional Services provide services to hundreds of people throughout the six (6) provinces of the country, with facilities including four Correctional Centres. We also support the provincial work of the courts, prosecution, defence and land tribunals.

Table 1 is a summary of our agencies' mandates and the resources we had in 2015 to provide the services that we provided to our people.

Table 1: Justice Sector Agencies Summary

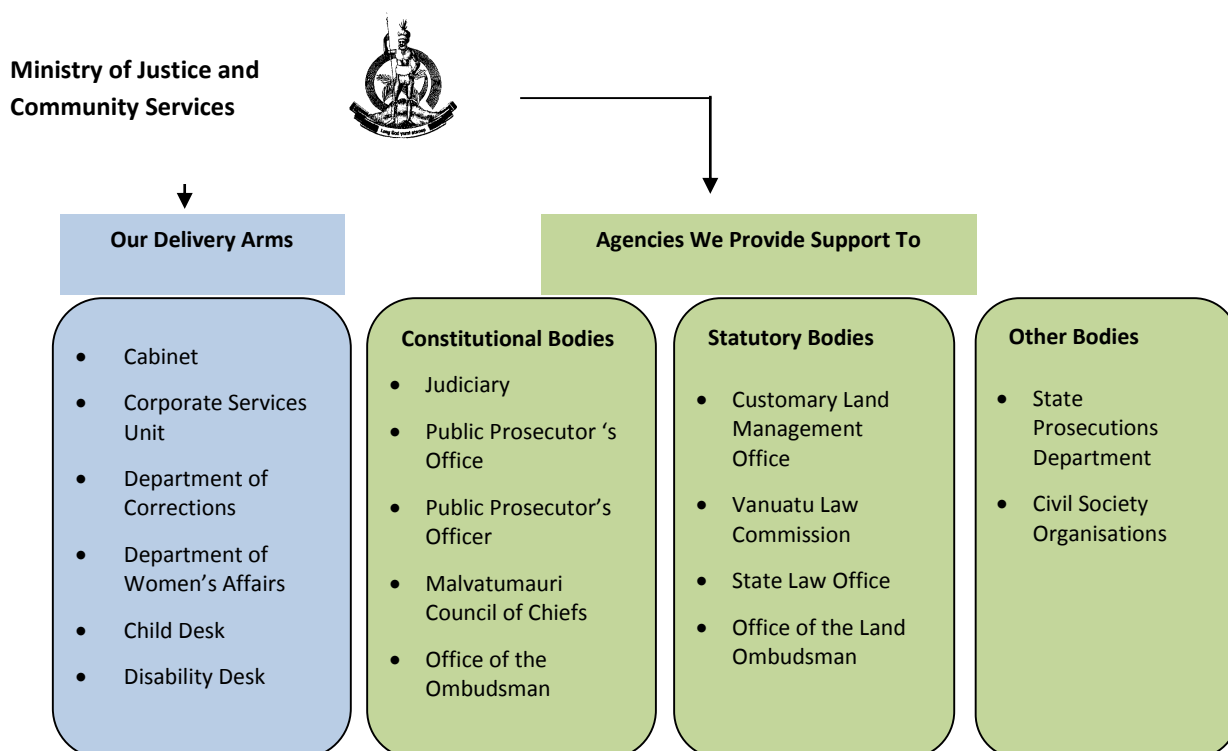
Service Delivery Arms	Responsibility	Recurrent Budget	Development Partner Support	Staff
Ministerial Portfolio	Provide policy direction on the priorities of the government of the day.	41,855,644		20 staff
Corporate Services Unit (CSU) or "the Hub"	Supports the Office of the Director General, the MJCS political portfolio, coordinating development partner support, coordinating cross sector agency developments and providing key services to the Departments within the Ministry as well as Constitutional and Statutory Bodies	36,998,488		8 Staff
Department of Women's Affairs	Seek to advance the status of Ni-Vanuatu women and to enhance their lives through focused policy formulation, targeted action plans and working in strategic partnerships. The Department's mandate is underpinned by the Women in Development approach and by the Gender and Development approach.	36,799,825		10 staff
Department of Correctional Services	DCS administers the provisions of the Correctional Services Act, the Penal Code (with regard to Probation Services). Provides administrative support and information to the Community Parole Board.	188,370,484	21,201,422	127 staff
Child Desk	Strengthening national planning, integrating the international goals (United Nations Convention on	2,000,000		3 staff

	the Rights of the Child), developing a system of protection of children and support community efforts to prevent child abuse.			
Disability Desk	Disability Desk is responsible for the implementation of Disability related policies and Convention on the Rights of People with Disability and coordination disability issues country wide.	4,000,000		2 staff and 1 volunteer
In addition to the four main service delivery arms, the agencies that we provide support to include the following. These agencies and their mandate is provided below:				
Other Bodies (Constitutional, Statutory)	Responsibility	Recurrent Budget (VT)	Development Partner Support (VT)	Staff
Judiciary	The Supreme Court has unlimited jurisdiction to hear and determine civil and criminal proceedings.			
Supreme Court	Supreme Court has jurisdiction to hear civil and criminal appeals from a magistrate's court and to hear appeals from island courts as to ownership of customary land. Its decision in such cases is final.	192,159,675	53,376,000 (Supreme Court)	
Magistrate Court	<p>The Magistrates' Court has jurisdiction to hear cases where the amount claimed or the subject matter in dispute does not exceed vt1,000,000; disputes between landlord and tenant where the amount claimed does not exceed VT2,000,000; and cases involving uncontested petitions for divorce or nullity of marriage.</p> <p>In its criminal jurisdiction, the Magistrates' Court hears cases that concern any criminal proceedings for an offence for which the maximum penalty does not exceed 2 years imprisonment.</p> <p>It has jurisdiction to hear appeals from civil decisions from Island Courts, except decisions as to ownership of land, where appeal is to the Supreme Court.</p>			
Island Court	The Island Courts are specifically empowered to administer the customary law prevailing within their territorial jurisdiction.			
Malvatumauri National Council of Chiefs	Aims to preserve and promote culture and languages, support and encourage customary practice, uphold custom and tradition and ensure the effective operation of Malvatumauri through appropriate resources.	29,463,144		5 Staff
Public Prosecutor's Office	Prepares and conducts effectively, economically and efficiently on behalf of the Public Prosecutor on any prosecutions, other legal proceedings or matter in which the Public Prosecutor is involved.	36,303,900		13 Staff
Public Solicitor's Office	Provides certain legal services to the Citizens of Vanuatu, particularly to ensure that that everyone charged with an offence shall have a fair hearing, within a reasonable time, by an independent court and be afforded a lawyer if it is a serious offence. The Functions of the Public Solicitor is to provide legal assistance to needy persons.	51,404,505		21 staff
State Law Office	Provides advice to Government on legal matters referred to it; represents the Government on matters referred to it and provides legislative drafting services to Government.	92,784,403	Provides a report to the PMO	
Ombudsman of the Republic of Vanuatu	Administers effective governance and responsible leadership in Government and protects the use of	36,503,195	Provides a report to the PMO	15 Staff

	the official languages for the benefit of the people of Vanuatu.			
Vanuatu Law Commission	Study and keep under review the laws of Vanuatu	10,355,435		6 staff
Customary Land Management Office	Develops and implement culturally acceptable dispute resolution tools in Vanuatu with the Malvatumauri National Council of Chiefs to minimize and control land disputes.	20,100,755	VLP -2,000,000 SRBJ- 1,500,000	11 Staff
Office of the Land Ombudsman	The primary functions of the Land Ombudsman is to act as 'Watch-dog' in dealing with complaints from complainants regarding issues pertaining to rural land leases that are being processed for approval by the Minister of Lands and Natural Resources.	no budget in 2015		1 staff
State Prosecutions Department	Assists the Public Prosecutor's Office to prosecute criminal cases in the Magistrates' Court. State Prosecutors are Police officers appointed by the Public Prosecutor in order to carry out the function of the Public Prosecutor, according to section 8 of Public Prosecutors Act number 7 of 2013	2,000,000	Dependent on PPO and VPF budget	14 Staff

Note: The Ombudsman's Office and State Law Office are under the direct oversight of the Office of the Prime Minister. The State Prosecution's Department is a Department of the VPF and is under the direct oversight of the PMO with close operational and budgetary links to the PPO, supported by the MJCS.

Figure1: Our Structure



Our Staff – “the Hub”

Our core office referred to as the Corporate Services Unit (CSU) also known colloquially as ‘the hub’ supports the Office of the Director General, and the MJCS political portfolio, coordinates development partner support and cross sector agency developments, and

provides key services to the Departments within the Ministry as well as Constitutional and Statutory Bodies.

The Corporate Services Unit (CSU) under the Ministry of Justice and Community Services has in its new structure, effective from 7th August 2014, a total of 48 positions. (See Annex 1: Corporate Structure and Staff). Of these 48 positions, 24 positions are located in Port Vila and 24 positions are in the provinces. The 24 provincial roles are those that support community services and compliances. Due to budgetary constraints, the provincial positions are yet to be recruited.

The MJCS is very fortunate this year to recruit the full 'hub' team to support the Office of the Director General to ensure support is given across the Justice and Community Services Sector. The following positions were filled in 2015 with the support from the Stretem Rod Blong Jastis(SRBJ) partnership program: Monitoring, Evaluation and System Officer, Policy Advisor, Organisational Performance Coordinator, Sector Capacity Development Coordinator and the Sector Project Coordinator. The MJCS continues to engage the service of four officers on contract basis to assist with the administration of the Office.

Furthermore, the MJCS had also sought support from the Secretariat of Pacific Community (SPC) to fund the Regional Rights Resource Team (RRRT) Country Focal Officer position within Ministry. The SPC approved the support and the recruitment for the position took place in October 2015. The SPC RRRT Country Focal Officer is jointly recruited by the MJCS and with the SPC RRRT management. The position supports the Government with its efforts to improving legislation in addressing violence in the family as well as supporting the human rights work in general and supporting treaty ratification, reporting as well as support to civil society.

Similar support was provided by the United Nations Development Program (UNDP), funding the position of Gender and Protection Coordinator based with DWA, for a period of 2 years. The role is to ensure, gender and social inclusion consideration are integrated into policy advocacy, and capacity development support to national and local level climate change adaptation and disaster Risk Management mainstreaming.

In July 2015, the Child Desk Officer was awarded a study scholarship by the Australian Government. To cater for the vacuum left by that position, the MJCS recruited an experienced officer to temporarily undertake this role to ensure the continuity of the Desk's programs nationally.

The Principal HRM Officer's role is still occupied on an acting basis but this is expected to be cleared by early 2016.

The Child Desk and Disability Desk were physically relocated to CSU from the Department of Women's Affairs in 2014. This move provides for improved monitoring and reporting from the Office of the Director General as well as oversight for those desks. The move also raises

the profile of these important portfolios and will help ensure that the Ministry is aware of current issues, and readily able to promote these at a political level. Under the new structure, the UNCRC and UNCRPD conventions currently mandated to the Child Desk and Disability Desk are to report to the National Coordinator Human Rights but formal portfolio transfer is yet to be officiated by the Office of the Prime Minister.

Our Priorities

Our priorities are to facilitate, coordinate, support and ensure the sector effectively and efficiently delivers services to the people of Vanuatu. We are mandated to create an enabling environment for the sector to provide efficient and effective justice and community services, as well as progressive achievement of development goals as outlined in the seven strategic priorities that were carefully developed by the Justice and Community Services Sector in 2013. The strategic priorities include: customary disputes resolution, juvenile justice, victim support, infrastructure needs, human rights, crime prevention and case progression.

Key priorities that we focused on included:

- Recruiting the full hub team.
- Facilitating the implementation of case management systems within agencies including the Court Case Management System, SPD's Case Management System, SLO's document Management system.
- Capacity development including Human Resource Management, Finance Management and Legal Advocacy (for Lawyers).
- Reviewing the National Disability Policy.
- Child Protection initiatives through partnership with UNICEF and SRBJ.

Our Efforts on High Level Commitments






A. Priorities & Action Agenda (PAA), Planning Long Acting Short (PLAS) and the Millennium Development Goals (MDG)

The Government's PAA 2006 – 2015 was updated in 2012. The PLAS 2013 – 2016 matrix builds on previous PLAS. Both documents cover indicators that are consistent with the Millennium Development Goals (MDGs) including the promotion of gender equality and empowerment of women.

In late 2014 right through 2015, the Government through the Prime Minister's Office reviewed the PAA and PLAS. New priorities were identified through extensive consultations with the community at large in 2014. Those consultations resulted in a document called the National Sustainable Development Plan (NSDP). The NSDP captures the priorities of each sector and the JCSS Agencies were consulted in late 2015. The NSDP is yet to be finalised.

For the purposes of this report, we focused on reporting against the PAA, Policy Outcome 3.2, 3.4. The table below describes our progress towards achieving the output indicators in these documents.

Table 2: Our Progress towards implementing the PAA and PLAS¹

PO 3.2 To provide stable institutions		
Key		
 Completed  On Track/Ongoing activity  Warrants Attention		
Indicators	Rating	Comments
Law and Justice sector framework reviewed and approved by COM;		Justice and Community Services Sector Strategy Framework was reviewed and approved by COM in March 2013.
Case throughput rate in PPO, SPD, PSO and SLO ²		<p>Case throughput rate is measured as a volume of cases completed divided by the number of resources utilised. Currently, we know how much effort each agency is exerting to carry out its job. They are doing more cases with the same amount of resources but in some cases, we do not really know yet with confidence, how many cases they truly work on or complete each year.</p> <p>SLO: With the new Case Management System implemented in SLO, we currently know for certain that within the last 3 years (2013-2015), SLO has managed to close off an average of 205³ cases per year. The system will be able to tell us for certain the throughput rate for 2016 in the next reporting period.</p>

¹ Indicators in these two documents are used interchangeably (outputs & outcomes), hence information extracted and portrayed here is both outputs and outcomes oriented.

² Provided by SRBJ










³ There were a total of 11 state counsels working in 2015

	<p>PSO: PSO does not accurately record closed cases in their system. They currently need to close more than 2000 files in their system. Total accuracy of the system will be reached in 2016.</p> <p>Whilst data is currently in the process of being cleaned in PPO and SPD, the Court published a number of statistics (Court Opening report provided in Jan 2016) that were used to deduce the throughput rate in SPD and PPO.</p> <p>SPD: 889⁴ cases handled by a total of 11 prosecutors amounts to a throughput rate of 81 cases completed per prosecutor in 2015.</p> <p>PPO: 354⁵ cases handled by a total of 6 prosecutors amounts to a throughput rate of 59 cases completed per prosecutor in 2015.</p>
New correctional facility built.	<p>In 2015 the Department achieved on many fronts in the Infrastructure sector. This is evident in the DBKS involvement in infrastructure maintenance and construction and the various interactions it had with Government Departments, local contractors, suppliers, detainees, regional contractors and with international firms specifically for the improvement of Correctional infrastructure.</p> <p>The majority of the infrastructure development in the DBKS is funded under the Vanuatu Correctional Services Partnership (VCSP) program which is a partnership agreement funded by New Zealand Ministry of Foreign Affairs and Trade (MFAT).</p> <p>A major achievement also was the processing of Tender Documents via the Central Tender Board and subsequent approval of contracts let under National Competitive Bidding utilizing the Government of Vanuatu Tender Guidelines. Previously several DBKS tenders were withdrawn for noncompliance to Tender regulations.</p> <p>Generally major activities in 2015 also included:</p> <ul style="list-style-type: none"> • Infrastructure Working Group decided to put on hold the Tanna Correctional Center project and focus on the New Luganville Correctional Center. The decision was purely strategic in light of the deteriorating state of the correctional centers in Port Vila and Santo and the need to replace the centers. The decision is also in line with the PSC freeze on recruitment in 2015 as a new Tanna Correctional Center will require recruitment of staff to operate the center. • Development of Luganville Correctional Center Masterplan with zones clearly marked for different development phases and functions of the correctional Center. <p>See more on this in the Department's Annual Report 2015.</p>
New court house built	<p>A committee has been appointed by the Prime Minister's Office (PMO) to oversee the progress to building of a "Hall of Justice". So far the committee has been unsuccessful in securing a development partner for the project.</p> <p>There is a proposal to review the composition of the committee and it will be put forward to the new government in 2016. The new committee will comprise core Ministries that will oversee the building of the Hall of Justice.</p>
Backlog of court cases pending	<p>⁶In 2015 in the Supreme Court, the total cases pending is 1038, an increase from 915 (2014) and 815 (2013). The extent of</p>

⁴ Number of cases is taken from Magistrate Courts Criminal cases. Source: Chief Justice, Supreme Court Opening, 2016

⁵ Total Number of cases is taken from Magistrate PI cases, Supreme Court Criminal Cases and Court of Appeal Criminal Cases in 2015. Source: Chief Justice, Supreme Court Opening, 2016







⁶ Source: Chief Justice Speech (2016) Official Court Opening, Port Vila

		<p>unacceptable backlog is around 400 cases equating to a lot of judicial resource and/or improved case disposal rates.</p> <p>In the Magistrate's Court, pending has grown from 1306 (2014) to 1482 in 2015. There is potentially 300 cases that are unacceptable backlog equating to one Magistrate needed for this case load.</p>
Malvatumauri Act reviewed and approved by Parliament		The National Chiefs Act was reviewed in 2013. A COM paper was drafted as a result of this review which was earlier being discussed with the PMO in 2013. It is unclear what the status of this discussion is in 2015.
Land Tribunal Act reviewed and approved by Parliament;		The Customary Land Tribunal's Act was repealed and replaced by the Customary Land Management Act (CLMA) and approved by Parliament in 2013. The amendments to the Act were slowly implemented in 2014. In 2015, the CLMO found that there were a number of documented challenges that arose from the implementation of the new Act. A working committee was endorsed by the former Minister of Lands- Hon. Paul Telukluk to find ways forward to implement the Act, a number of recommendations were made to the Ministry in 2015.
Mechanisms and operational procedures established for prevention, reporting and responding to cases of abuse, violence and exploitation in communities		<p>Child Protection: The Child Desk with funding from UNICEF piloted a Child Protection Program on Erromango and Tanna in 2013- 2016. This pilot established Community Child Protection Communities (CCPC) who were trained and supported to refer cases of abuse of children to service providers.</p> <p>Violence Against Women: In 2014, DWA piloted the establishment of the Authorised Persons (APs) and Registered Counsellors (RCs) under the Family Protection Act. This pilot attempts an approach where establishments of APs and RCs can contribute to reporting (and thus prevention) and response to victims of domestic violence. In 2015, the pilot was transferred to the MJCS.</p> <p>Lessons learnt from both VAW and the CP pilot will assist government policy as well as government response to violence and exploitation in communities.</p>
Human Rights Commission established.		A National Human Rights Committee was established in 2014. This committee was launched in 2014. The National Human Rights Committee will assist the MJCS to establish the Human Rights Commission in due course.
Number of qualified lawyers recruited by the Law reform commission⁷		In 2015, there were five (5) qualified lawyers employed by the Vanuatu Law Commission
Number of Public Solicitor Offices in the Province		There are 4 Offices in the Malampa, Tafea, Shefa and Sanma Province. These offices are located on Malekula, Tanna, Efate and Santo.
Number of public prosecution Offices in the provinces.		There are two Offices of PPO, located in Shefa Province and Sanma Province, namely Efate and Santo.
% of disputes settled through CLTs⁸ which are appealed		In 2015, 46% of cases ⁹ managed through the new Act were appealed to a higher Court, 18% are pending outcomes and 36% were settled.
Family protection Act reviewed		The Act has not been reviewed and it has passed its review date. Currently parts of the act are being implemented (particularly in the courts). There was a pilot to progress the Family Protection Act (FPA), its purpose was to identify potential "Authorised Persons" and "Registered Counsellors". Additionally, it attempted to establish an approach to tracking information and improving the flow of information from APs and RCs in rural areas to DWA and to other legal public institutions The responsibility for the pilot was situated

⁷ The Law Reform Commission is now known as the Vanuatu Law Commission.

⁸ Implemented under the new CLM Act

⁹ There was a total of 11 cases heard under the new Customary Land Management Act in 2015..

with the DWA, however, by the end of 2015, its oversight was transferred to the MJCS.	
PO 3.4 To promote gender equality and empowerment women	
Indicators	Comments
% of women in wage employment in the non-agriculture sector	 48% in the Services Sector 17% in the Industry Sector (These figures remains the same as in 2013)
% of women in positions of DGs, SGs, Clerks, and Directors in Public Service	 a. 0% of Women occupy DG positions b. 17% (1/6) of Women occupy SG positions c. 50% Women occupy town clerk positions (2016- Luganville Municipal Council (LMC) has a woman Acting Town Clerk) d. 4% (2/53) women occupy the position of Directors of Departments in Public Service.
% of Women in Parliament, Provincial and Municipal Council	 a. 0% of women in Parliament b. 0% women elected representatives in all 6 provincial councils. c. In 2014, a total of 29%(5/17) women in Port Vila Municipality (Reserve Seats). In Luganville Municipality there are 5/13 councillors who are women. The Provision of reserve seats implemented in 2015 at LMC provided opportunity for 4 women elected and 1 woman secured a placement under the open /general seat.
Number of gender programs in Gov Ministries	 In 2013, there were 7 out of 11 Government Ministries carrying out a number of gender programs. No stock take was undertaken since then.
Inclusion of the Gender Responsive Budgeting (GRB) in national budget statement	 No inclusion of GRB in National Budget Statements.
Number of gender programs undergone cost benefit analysis	 No government gender programs have undergone a cost benefit analysis.






B. United Nations Conventions










Vanuatu is party to a number of United Nation Conventions. All the human rights conventions are implemented through the Ministry of Justice and Community Services.

Our inconsistent progress towards the UN Conventions has been partly due to lack of funds and the changing political environment of our country. Whilst these are key factors, we are confident that we will be able to progress implementation and reporting with support from the National Human Rights Committee.

The table below shows a list of all the Conventions ratified and progress towards reporting to the United Nations.

Table 3: Our progress towards implementing the ratified United Nations Conventions

Treaty Body or UN mechanism	Date Ratified	Tracking	Progress
Key  Completed  On Track  Draft Completed  Overdue			
National Human Rights Committee (NHRC)	-		In 2013, an interim National Human Rights Committee (NHRC) was appointed by MJCS to co-ordinate and oversee the activities for implementation and reporting to the UN human rights mechanisms (including treaty bodies, the UPR and UN Special Procedures). The NHRC supported the UPR Committee in preparation for the 2 nd UPR.

			<p>In 2014, the NHRC was formally established by the Hon. Prime Minister Joe Natuman. The committee met four times in 2015, discussing updates on the UN conventions, liaising with each convention committee on updates to each convention.</p>
Universal Periodic Review (UPR)	-		<p>Vanuatu went through the first UPR in 2009, and was due for the second UPR on 30 January 2014.</p> <p>The preparation for the 2nd UPR started in March 2013, and the Team travelled to Geneva to present the UPR Report in February 2014. The team came back with recommendations. These recommendations were refined by the Vanuatu UPR Committee and a team presented the recommendations back to the UN UPR Committee in June 2014.</p> <p>It is unclear what progress has been made on the recommendations in 2015.</p>
International Covenant on Civil and Political Rights (ICCPR)	21 st Nov 2008		Initial Report was overdue since 28 th February 2010.
Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)	8 th Sep 1995		Combined 4 th & 5 th finalised in 2014. Endorsed by COM in 2014. The report was printed in 2015. A mock session on the presentation is planned to be held in early 2016 prior to presenting in Geneva.
United Nations Convention on the Rights of the Child (UNCRC)	7 th Jul 1993		<p>Latest report submitted in 1997. 2nd Report is overdue since 5th August 2000. In June 2014, the Council of Ministers endorsed the combined 2nd, 3rd, 4th Periodic Reports.</p> <p>Final 2nd, 3rd and 4th were not completed in December 2015 (as previously planned in the 2014 Annual Report). The report will be submitted on the 9th of June 2016.</p>
Optional Protocol on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC)	27 th Sep 2007		Initial Report Overdue since 2009. Draft Completed in 2013. In June 2014, the Council of Minister's endorsed this Optional Protocol Report. The Final Report was not completed in in December 2015 (as previously planned in the 2014 Annual Report). The report will be submitted on the 9 th of June 2016.
Optional Protocol on Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	17 th May 2007		Initial report overdue since 2009. Draft only Completed in 2014. In June 2014, the Council of Minister's endorsed this Optional Protocol Report. The Final Report was not completed in in December 2015 (as previously planned in the 2014 Annual Report). The report will be submitted on the 9 th of June 2016.
United Nation Convention Against Torture (UNCAT)	12 th Jul 2011		<p>Initial report due July 2012.</p> <p>In 2012, an External Inspection Team (EIT) was established and responsible for monitoring prison conditions and its members were trained by the OHCHR.</p> <p>In August 2013 the EIT carried out inspected all correctional centres in Port Vila and Santo. These were the EIT's first inspection activities. The EIT has finalised its inspection report and a copy is available at the MJCS.</p> <p>The UNCAT report itself is overdue since 2012.</p>
United Nation Convention on the Rights of People with Disabilities (UNCRPD)	23 rd Nov 2008		<p>Initial Report due on the 22nd November 2010.</p> <p>The initial Report was only completed in 2013. COM endorsed the report in June 2014 and feedback was provided by OHCHR. The report is now completed awaiting funds to present in Geneva in 2016.</p>
Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (OP-CEDAW)	17 th May 2007		Final report completed in 2014. Endorsed by COM in 2014. The report was printed in 2015. A mock session on the presentation is planned for early 2016, prior to presenting in Geneva.

C. Justice and Community Services Sector Strategy 2014 -2017

Overview of progress in 2015

1. Development of the JCSSS Monitoring & Evaluation Plan

In December 2014, Heads of Agency Group (HOAG) approved the JCSSS 2014-2017 *Monitoring and Evaluation Plan (MEP)*. The plan was developed with support from the Ministry of Justice and Community Services (MJCS) with an intention to track progress against the implementation of the *Justice and Community Services Sector Strategy 2014-2017(JCSSS)*. The approved MEP has been implemented since January 2015.

The MEP contains performance indicators which facilitate measurement of the extent of implementation of the JCSSS.

In October 2015, a baseline study was carried out by the MJCS to determine the current status of each indicator contained in the MEP. It provided a snapshot of the current situation as at October 2015, against each indicator, where the relevant data exists. It establishes benchmarks for ongoing measurement of sector progress and performance against the JCSSS.

2. Approved way forward for the JCSSS Implementation

In the HoAG meeting of 30th September 2015, the HoAG agreed on an approach for each individual strategy. A document '*Approved Way Forward for JCSSS*' was endorsed. The document outlined a summary of known activities that have been taking place within the sector that support the progress of each strategy, following next steps of how the Strategy might be progressed

The following decisions were undertaken by HoAG:

- **Strategy 1: Customary Disputes Strategy 6: Crime Prevention:** It was agreed that the strategies would need to wait for the results of some additional research, evidence or decision-making before determining what actions should be taken to progress the strategy
- **Strategy 2: Juvenile Justice; Strategy 3: Victim Support:** it was suggested that support could be provided to develop an agreed plan which could then be driven at the institutional level
- **Strategy 4: Infrastructure :** This strategy will be receiving support for the development of a sector wide plan
- **Strategy 5: Human Rights:** This strategy is being progressed through another mechanism
- **Strategy 7: Case Progression:** This strategy requires no additional support beyond what is currently provided.

- **Strategy 8: Access to Justice across all provinces:** seen as an outcome of all the other 7 strategies or be used as a measure of the progress of the strategies.

3. Known Activities that are happening within each strategic area & way forward for each strategy

Strategy 1: Customary disputes – strengthen the kastom system of management and dispute resolution and links to the formal system

Summary of current or planned initiatives in support of Strategy 1 includes:

- Malvatumauri Council of Chiefs (MCC) & Customary Land Management Office (CLMO) are compiling lists of chiefs, secretaries and adjudicators under the Lands Act
- CLMO has been piloting land dispute resolution in Efate, Santo, Malekula and Tanna
- Vanuatu Women's Centre (VWC) has research scheduled for 2016 on customary disputes related to women
- Policing & Justice Support Program Vanuatu is currently analysing research in Malekula and conducting research in Blacksands on how conflicts are managed at the community level through to the formal system.
- Land Management Planning Committee and the Oversight Implementation Committee are overseeing the planning and implementation of the land reforms although there is a hiatus whilst the new government determines its approach to the land reforms of the previous government.
- VPF Draft Strategic Plan includes strengthening links with chiefs to support crime prevention and raising awareness (as it has done in Freshwota with over 1000 participants).

Approved for way forward:

1. The Sector await greater clarity regarding the Government's position on the land reforms and the outcome of the research pieces on the conflict and dispute management to provide an evidence base for the planning of reforms that will strengthen the system of management and dispute resolution at the community and how it links with the formal system.
2. MJCS will continue to support, as appropriate the progress of the land reforms by the CLMO and the Oversight Implementation Committee.
3. Sector will continue to provide support to the MCC to build the knowledge and capacity of chiefs in human rights, natural justice and good decision-making.

Strategy 2: Develop an integrated juvenile justice system inside the Sector

Summary of current or planned initiatives in support of Strategy 2 includes:

- Agencies have supported and signed the Pacific Judicial Development Program (PJDP) assisted MOU
- Department of Correctional Services infrastructure plan is to include separate juvenile facilities in Luganville and Tanna

- State Prosecutions Department (SPD) are expediting juvenile matters
- Magistrates' Court has a separate day for hearing Juvenile matters
- Vanuatu Police Force (VPF) colour code files for young offenders
- VPF have Standard Operating Procedures for dealing with young offenders.
- Judiciary had UNICEF support for the development of a Juvenile Justice Practice Direction which was not progressed.

Approved for way forward:

1. MJCS with the support of SRBJ plan and facilitate a cross sector consultation with the intention of developing a map of the process(es) which would identify all the points at which juvenile offenders, victims and witnesses and their families interact with the formal justice system.
2. The aim of this process is to identify specific and practical opportunities for improving the service and responsiveness to juveniles at each point of the process where juveniles might interact with the sector and which should respond appropriately to the specific needs of juvenile offenders and their families.
3. The process will be collaborative, bringing people from across the sector together to develop the process map and to identify and define the practical opportunities for improvement.
4. Opportunities to improve service to juveniles at the institutional level should then be included in institutional planning documents (Annual Plans) so that they are driven at the institutional level and are reported on at the institutional level. These will contribute to the sector wide shared goal for progressing a juvenile justice system within the sector.
5. The process will intend to bring in and build on the VPF Standard Operating Procedure (SOP) and the Pacific Judicial Development Program (PJDP) MOU.
6. PJSPV Capacity Development and Leadership Adviser can resource planning and facilitation of the process as described above.

Strategy 3: Victim support – improve the sector response to protection and service provision for victim support

Summary of current or planned activities in support of strategy 3:

- VPF crime prevention activities in Freshwota
- Department of Women's Affairs Gender Policy and piloting of the Authorised Persons and Registered counsellors under the Family Protection Act in Santo, Nth Efate.
- Child Desk – Child Protection Pilots in Tanna and Erromango
- Save the Children – Child Protection Pilots in Santo & Ambae
- PJSPV research in Blacksands and Malekula

Approved for way forward:

1. SRBJ and MJCS propose to identify possible reforms which can be made to support victims in criminal cases.

2. SRBJ and MJCS intend to interview relevant police (eg Family Protection Unit), prosecution, defence, judicial officers, Vanuatu Women's Centre and Department of Corrections to prepare a short report on practical options for helping victims of crime;
3. The report will discuss options to support victims at two different stages of the criminal process:
4. Stage 1: During the **investigation stage**, including statement taking by police, medical reports and initial victim support.
5. Stage 2: During **court proceedings**: including preparation for trial, support whilst giving evidence at trial, and follow up after trial.
6. The report will consider possible changes to legislation, practice directions, court procedures, and police and prosecution policy.
7. HOAG may also wish to consider if it would like to support a MJCS sponsored reference to the VLC to consider a Juvenile Justice Act

Strategy 4: Infrastructure - Develop and implement a comprehensive infrastructure plan

Summary of current and planned activities in support of strategy 4:

- PJSPV will provide support for a sector wide infrastructure needs assessment and plan for the policing, justice and community services sector – the result of this will be a five year sector wide infrastructure plan that is prioritised and costed.
- Corrections has a 2016 business plan that features infrastructure
- Corrections have a partnership with NZ Government which is targeting correctional facilities in Tanna and Luganville

Approved for way forward:

- 1 Continue with establishment of new working group and recruitment of consultant and planned which will provide a costed, prioritized, sector wide infrastructure development plan.
- 2 The plan will provide an improved platform for development partner support to infrastructure as well as a more coordinated approach to infrastructure development

Strategy 5: Human Rights - Develop a national framework for implementation of treaties and constitutional provisions

Summary of current and planned activities in support of strategy 5:

- National Human Rights Committee has been established and has implemented the National Universal Periodic Review; as well as developing responses to recommendations and an action plan.
- Law Commission has the alignment of laws with human rights treaties as an ongoing priority (PAA/PLAS)

Approved for way forward

1. MJCS continue to participate in the NHRC and to report back where opportunities for program support arise
2. Seek UN or RRRT or other support, if appropriate.
3. MJCS and VLC produce a COM paper that recommends SLO draft amending legislation to align current legislation with the Governments international human rights treaty obligations so that if the COM paper is approved then the SLO Parliamentary Council

Strategy 6: Crime and the impacts of crime - Develop a comprehensive crime prevention strategy that engages Government, communities, kastom authorities, business and NGO's***Summary of current and planned activities in support of strategy 6:***

- VPF awareness raising
- Upgrading of Police information systems to improve evidence base
- Corrections business plan includes detainee rehabilitation and reintegration initiatives
- VWC working with chiefs and churches in support of victims
- VPF women's advisory group would like to be more involved in community policing

Approved for way forward:

1. Revisit at end of 2015 when more data is available (from research; pilots and police information systems) to target crime prevention activities.

Strategy 7: Case progression - Reduce unnecessary delays in case management across the system***Summary of current and planned activities in support of strategy 7:***

- SPD Case tracking system
- CLMO tracking system
- Courts Case Management System
- SLO Case Management System
- Police Information Management System
- Corrections document management system

Approved for way forward:

this is the strategy that SRBJ indicated it would support from the time where the strategy was developed and it has been supporting this with TA support and systems procurement support – an additional staff member will also support this work to

ensure skills transfer to the sector. The plan being implemented is the Case and Data Management Roadmap approved by the HOAG. No additional support needed.

Strategy 8: Access to justice across all provinces - Develop and implement appropriate and evidence-based collaborative strategies that address barriers to access

Summary of current and planned activities in support of strategy 8:

- Working group never really formed
- All other strategies contribute to this one – in effect it is an outcome
- Possible there are areas not covered by the other strategies.

Approved for way forward:

- 1 This could become a reference point to assess the contribution of all other strategies to access overall and identify weak points
- 2 Can be a topic for brainstorming at the upcoming women in leadership retreat in terms of identifying current key barriers to access.

Our Efforts towards Delivering Services

Ministerial Portfolio

In 2015 the Ministry of Justice and Community Services had four Ministers. Hon. Alfred Rolland Carlot held office tenure from the 15th of May 2014 to 4th June 2015, being the longest serving Minister in 2015. On the 5th of June he was replaced by Hon. Hosea Nevu, who held office for a record, 6 days. Hon. Dunstan Hilton replaced him on the 12th June and held office for 5 months, ending on the 9th November 2015. Hon. Hilton was replaced by Hon. Robert Sikol Bohn who held office tenure for the remainder of the year 2015.

The change came straight after the Bribery case featuring 16 former MP's. Hon Robert Sikol Bohn assumed office as part of Hon Sato Kilman's cabinet. Due mainly to the short tenure and political turmoil surrounding the detention of the 14 former MP's, the Hon Minister made just a few commitments towards moving the Ministry forward. These are outlined below:

Key Achievements

- Provided support to the sector and donor partners as well as NGO's.
- Participation at Council of Ministers' meetings
- Participated in active discussions with the NZGOV in relation to the negotiations for a new correctional facility in Luganville. Also tabled a COM paper and had endorsement for the tenders on earthworks and construction for the very same facility
- Negotiated for the movement of the 14 former MP's from the medium risk to the Women's prison due to health complications and safety
- Assisted the Judicial Service Commission to approve and announce the new Electoral Chairman.
- MJCS developed it's 2016-2018 Corporate Plan

Key Challenges

- The continual political turmoil has had a negative impact on the whole Ministry, particularly in terms of maintaining the momentum of work.
- Budget constraints in the cabinet support due largely to the overspending of previous Ministers, led to the Minister being unable to conduct any tours of any provinces. However, the Hon Minister made every effort to partake in events arranged by NGO's and the CSU.
- The cabinet had a number of challenges particularly in terms of Office assets.
- There had only ever been 1 vehicle for the Ministry of Justice, one vehicle was damaged and remained in the garage for the latter part of 2014. Thanks to the efforts of the Hon Ministers cabinet, a second vehicle belonging to the MOJCS was transferred down from the PM's office.

- Not all computers were connected to internet resulting in challenges in communications
- Office equipment such as printers and computers were inspected and access to the internet improved
- The office environment is unsuitable for working. Only two A/C's working. One in PA1 and the other in the Hon Ministers office. All other offices have no A/C and all fans are not working. Temperatures regularly exceed 30 degrees with 90% humidity.
- At the end of 2015 the Cabinet and CSU joined together for the end of year Christmas party. The Hon Minister then contributed to this event.
- Other challenges were not overcome due to the short tenure. They included:
 - a. The funding of Erangorango correctional facility
 - b. Repair and maintenance of the existing facilities

Our Budget

Cabinet Budget; VT 41,855,644

Operations: VT 5,845,590

Payroll: VT 34,855,902

Our Staff

The Cabinet has a total of 20 staff including the Honourable Minister.

Corporate Services Unit

The Corporate 'hub's mission is 'to provide policy, coordination, advice and support services to enable a fair, equitable and accessible justice system that is delivered efficiently and effectively'. This is done through the implementation of the Ministry's corporate plan. The members of the 'hub' fully recognize the challenges the sector faces in producing equitable and reliable services that meets the demands of communities.

The hub fulfilled a number of key achievements in 2015. Additionally with the changes in the political environment, the hub has also had its fair share of challenges.

Key Achievements

- Full recruitment of the 'hub' executive team, including : the Policy Advisor position, the Organisational Performance Coordinator position, the Sector Capacity Development officer, the Sector Project Officer , all completed in November 2015.
- Presented Vanuatu's stance on corruption at the UN Convention Against Corruption (UNCAC) meeting
- Supported agencies with their 2016 budgets & business plans.
- Supported agencies in developing their 2015 Annual Reports

- Started the development of the MJCS Communication Strategy
- Developed the MJCS Corporate Plan
- Supported the training and development of Finance and Human Resource Officers within the Sector and beyond.
-

Key Challenges

- Our implementation of COM decisions has been fairly weak in 2015. We have managed to implement only 10% of decisions approved.
- The Corporate structure still cannot be fully implemented due to insufficient funds.
- The Office of the Land Ombudsman (housed under the MJCS) does not have an operational budget to be able to carry out his functions adequately.
- While Child Desk and Disability Desk had been transferred to the MJCS to elevate their mandates, their budget still remains within the budget of the DWA. The Desks are therefore being supervised by the DWA.

Our Budget

CSU Budget: VT 36,998,488


Operation: VT 23,438,857








Payroll: VT 13,559,631

Our Staff

The MJCS Corporate hub (See Annex 1) has a total of 48 positions. Of these three positions are occupied by 3 permanent staff, three recently recruited staff occupying three posts are currently on probation, one position is on contract but within the structure (the DG's position) and three positions are on contract but outside the structure. Approximately 85% of the structure remains vacant.

Our performance against the 2015 budget narratives

Description	Qty	Unit of Measure	Rating	Comments
Agency Heads of Meetings hosted	4	Meetings		<p>HoAG meetings were held four times in 2015.</p> <p>Since their commencement in 2013, eleven HoAG meetings have been held. There are now 15 agencies formally participating. HoAG meetings have continued throughout 2014 and 2015 and are held every quarter. Since 2013, attendance at HoAG meetings has remained steady, except for one exception in the second quarter of 2014 where no agency head attended so the meeting was cancelled. In late 2014, following their appointment, the new Land Ombudsman joined HoAG. The Land Ombudsman has attended all HoAG meetings since this time. However,</p>

				participation of two agencies (Public Solicitor's Office (PSO) and the judiciary) has declined to the point of non-attendance at HoAG. PSO and Judiciary did not attend any HoAG meetings held in 2015 ¹⁰ .
Activities planned under the JCSSS 2014-2017 that are implemented	4	80 percent		No activities planned under JCSSS were carried out in 2015. However at the September HoAG of 2015, it was agreed that an "Infrastructure Working Group would be created, however this WG has not yet met. The sector is waiting for the Chief Justice to approve a nomination of one person from the Magistrates' Court to participate in the WG, and it is expected the WG will proceed in early 2016." ¹¹
Performance Review of key staff and personnel by Director- General	4	100 percent		Performance review process was partially undertaken in Dec 2015 by the Director General. It is expected that will be completed in early 2016.
COM papers implemented	12	60 percent		The Ministry has implemented 10% of all its COM papers in 2015. The Ministry had tabled five COM papers, of this five, four were not implemented, only one was partially implemented.
All expenditure transactions are within budget	4	Quarterly Reports		All expenditure transactions were within budget.
MJCS Corporate Plan	1	Plan		The MJCS Corporate Plan was developed in 2015 and is expected to be launched in early 2016.
All agencies have business and corporate plans	10			In 2015, all Departments had developed Business Plans.
Budget Planning and processed in accordance with the requirements of the Public Finance and Economic management Act	1	Budget Plan		MJCS tries its best to conform with the requirements of the PFM Act, however it doesn't always succeed due to external influences and political pressures

Our Focus on the Year Ahead

- Recruitments to fill in the 'Hub' structure
- Launching of the Corporate Plan
- Development of a Budget Plan
- Facilitation and coordination of HoAG meetings
- Implementation and reporting of COM decisions
- Support agencies with Business Planning, Budget Narratives and Reporting
- Support the implementation of the FPA Pilot – Authorised Persons and Registered Councillors
- Support the coordination and implementation of human rights activities as undertaken by the various Human Rights Committees within the Sector.
- Support the Ministry Cabinet deliver on its policy objectives

¹⁰ PJSPV Monitoring and Evaluation Six Monthly Report, June – December 2015

¹¹ Ibid

Department of Correctional Services

The year 2015 has marked the nine full years of operations for the Department of Correctional Services (DCS) since its establishment in 2006. Below is a summary of the 2015 DCS's Annual Report. We are proud to announce that we have achieved 80%-90% of the goals identified in our 2015 Business Plan. We have achieved this by focusing more on the achievement of our key outputs identified.

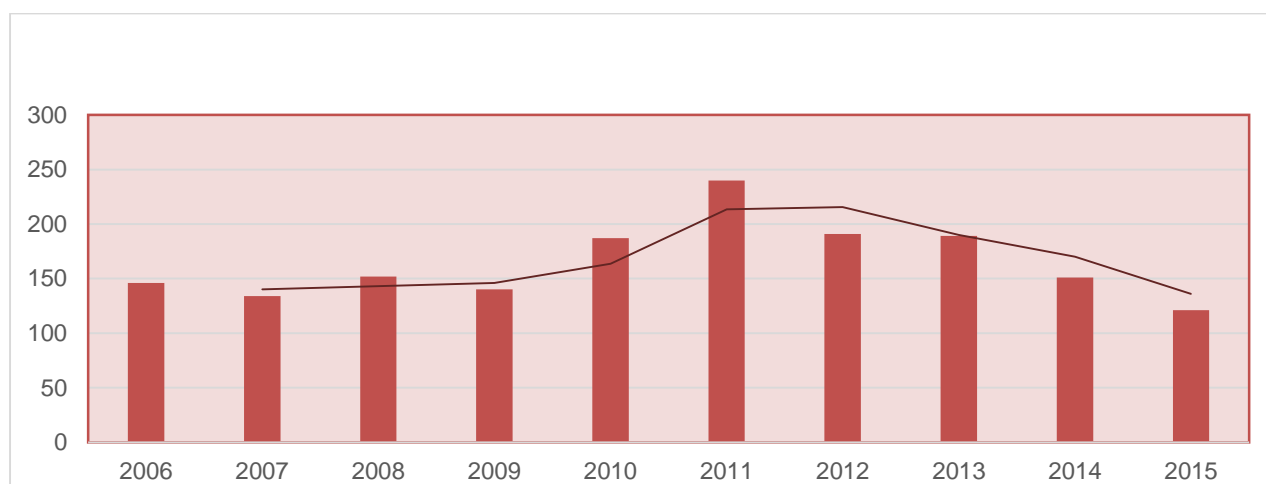
For more information on the work of the Department, please contact the Department on corrections@vanuatu.gov.vu for an e-copy of their 2015 Annual Report.

There are four Correctional Centres located in Vanuatu – One in Luganville and three in Port Vila (Stade, Ex-British and the Female Centre).

The 2015 Detainee census¹² showed there were 121 detainees in custody from 11 September 2014 to 11 September 2015. This is a significant drop in number (30 less) compare with 2014 census of which showed 151 imprisonments.

The total remand is 29

Graph 1: Trend of Imprisonment 2006 - 2015



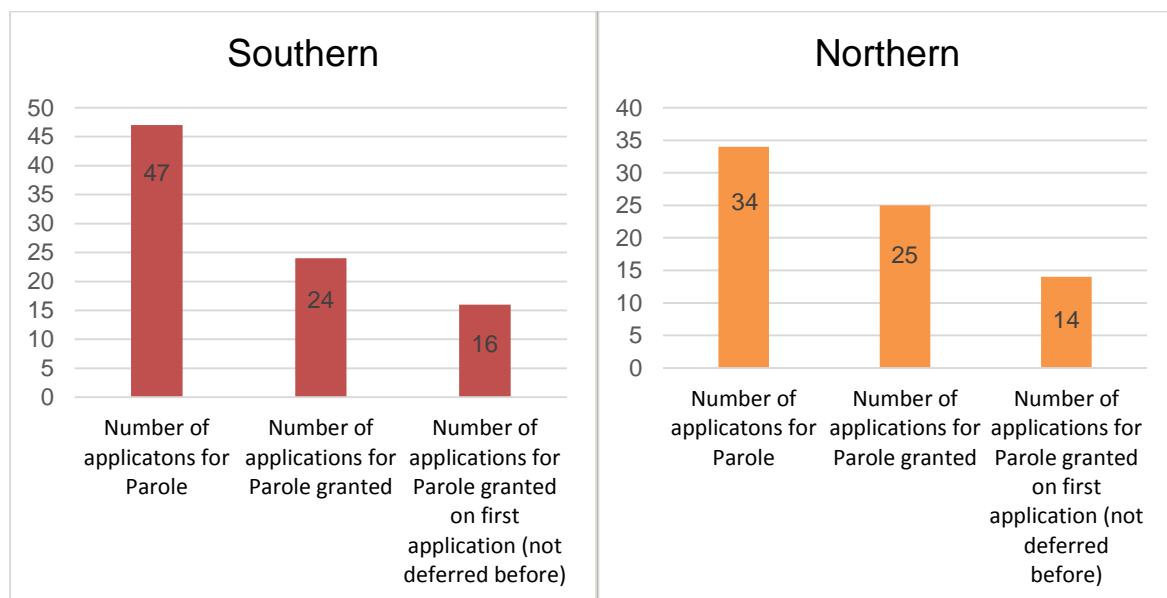
The trend of imprisonment (*Graph 1*) within the Correctional Centres remains unpredictable for the last 10 years. The Graph shows fluctuations in imprisonment, peaking in 2011 and gradually decreasing from then. Although we have experienced reductions in the number of imprisonment for the last ten years, yet the number of remand detainees still put significant pressure on resources, staff and infrastructure.

The Northern and Southern Parole Boards met five times each in 2015 and considered a total of 81 parole applications. The Parole Board released 40 detainees in 2015 (48% of the total detainee's census) compared with 82 detainees (54% of the total census 2014). Quite a

¹² This is in draft form and has not been finalised, however the figures extracted from the Offender Management System are correct and thus published here.

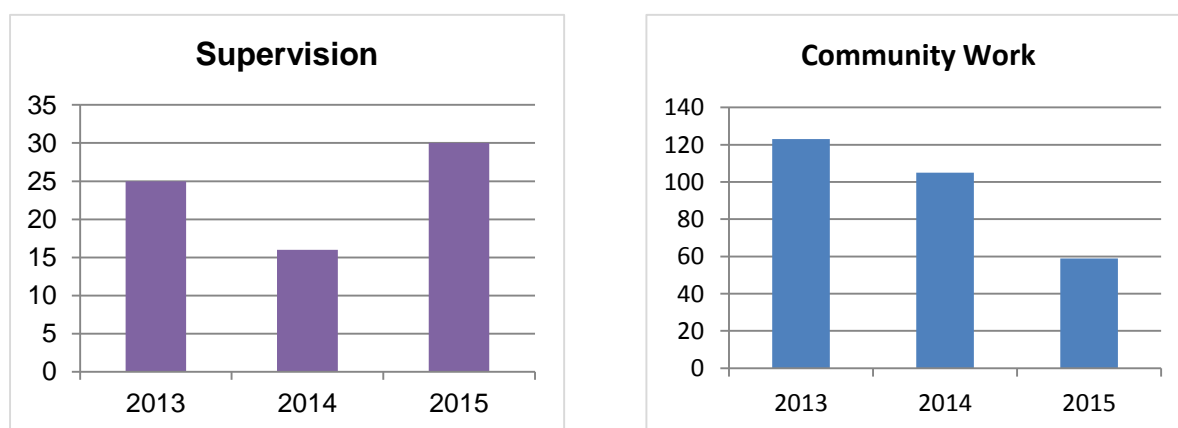
number of applications were differed.

Figure 2: Southern and Northern Parole Applications 2015



There was an increase in the Supervision Sentence in 2015 and a decrease in Community Work sentences (Figure 3 below). The Courts had favoured more Supervision sentence in 2015. This was partly due to the Courts analysing the monitoring of offenders and programs.

Figure 3: Supervision Sentences vs Community Work Sentences in 2015



Key Achievements

- Our staff attended a total number of 20 trainings in 2015. The trainings varied from formal education, workshops, refreshers and leadership and management courses.
- Our office was fortunate to own our first ever **Human Resource Development Plan**. In addition to this, a Departmental Capacity Development Program was created in 2015 to determine the strength of the Department. It listed a number of activities that Department will embark on in 2016

- A Large number of detainees participated in the rehabilitation programs such as: supervised Community work and skills training (carpentry/joinery, cooking, art programmes)
- Low risk detainees from the catering unit were privileged to join the external programs in the Luganville communities. For instance, catering detainees have been doing practical attachment at the Santo Cia- Island Chicken Restaurant.
- Various projects have been accomplished by detainees this year and were shown in the pictures below. The agriculture program in the first semester followed this scheduled as follow: detainees acquire theory program in the morning from 8:00am to 11:00 am, followed by a practical session from 1:30pm to 4:00pm.
- There are a number of detainees that were released back into the community in 2015. Those that were released in 2015 were presented with basic agriculture tools and planting materials. These materials were presented on their release dates on behalf of the Luganville Correctional Centre Management. A new rehabilitation framework has been design in 2015 to regulate our programs in 2016

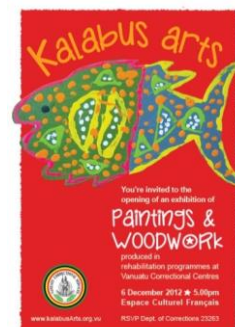


Rehabilitation activities in the Centres

- In 2015, the Probation Services undertook Community Justice Supervisors workshop in the Provinces of TORBA, SHEFA and SANMA, facilitated by the Probation Officers, Senior Probation Officers and Manager Probation fulfilling our Business Plan. In 2015 we used group work discussions, role plays, and presentations, '*Rod Blong Jastis*' Awareness in our provincial workshops.
- Over 100 Community Work Tools were delivered and presented to the Community Justice Supervisors who at the same time are Community Work Sponsors by Probation Officers in Vanuatu. Some CJS used the tools to repair schools/churches destroyed by Cyclone Pam in 2015.
- We also undertook awareness in Vanuatu total to 48 which included schools/villages/islands. We undertook 80 stakeholder meetings and had 32 Home Visitations and participated in nine (9) Custom Reconciliations.

- A major achievement was in the area of Infrastructure Support, where approval was gained from the Tender Board for the contracts. Generally major achievements were seen in the areas of:

- Infrastructure Governance;
- Institutional Strengthening;
- Procurement;
- Contract awards;
- Asset Management; and
- Physical Works



- Areas still requiring improvement in the future include: Infrastructure Funding Support; and Infrastructure Planning
- NZ volunteer, Keith Hambrook, resumed the arts program at Stade with Low Risk detainees, commenced in August. An average of 5 detainees participated in the program each week. An exhibition of detainee artworks was held at Suzanne Bastien Gallery in 2015. The Kalabus Arts Website can be viewed at www.kalabusarts.org.vu

Key Challenges

- There was no recruitment for any of the permanent positions in 2015. Though there is a necessity to cease acting appointments to fill vacant positions, there is currently no funding to do this exercise as it will adversely affect the unbudgeted contract staff.
- In 2015 at Luganville Correctional Centre, we had five escapes: two remand detainees escaped twice and 1 parolee. Correctional centre south has no records of escapes in 2015
- Staff capacity in Luganville Correctional Centre has improved tremendously in 2015. Despite of that, our staff do face challenges daily due to lack of specific training in their fields. Trainings would have been good to equip them to carry out their responsibilities more efficient and effectively.
- Tanna probations was destructed by Cyclone Pam. Repairs were made and Probation Officer Sam K was able to resume work in the new office after repairs were made to the Office.



Post TC Pam Repairs to Centres

- Port Vila Correction Centre spent 4 MVT on Cyclone Pam repairs to Centres:
- Funding application were approved by SRBJ for Saperion installation and training

Our Budget

The Department's total budget VT 188,370,484

Payroll VT 137,942,902

Operations VT 47,303,189

Additional to our budget, the New Zealand government provided the DCS with an additional **VT 21,201,422** in 2015. As of December 2015, total amount expended was **VT 17,181,374**.

Our Staff

There is a total of 114 permanent staff within the DCS. In 2014, an additional 20 were recruited on contract basis. In 2015, an additional 16 contract staff were recruited, totalling up to 36 contract staff altogether. This equates to a total of 150 staff in DCS.

Our Performance against the 2015 budget narratives

BUDGET NARRATIVE INDICATORS	2014	2015
Number of escapes from custody per year	7	5 (2 inmates escaped twice and 1 parolee)
New correctional infrastructure is designed and built according to design, purpose, on-time and within budget.	No new correctional infrastructure built	-Tender issued for new High Risk, Medium Risk and Remand Units at Luganville -Work commenced on new Rehabilitation Centre at Port Vila
Number of Complaints upheld by Ombudsman	0	0
Children in pre-sentencing and post-sentencing detention wholly separated from adults	50%	50%
Percentage of offenders serving community justice sentences	n/a	56% (as at 31 December)
Number and percentage of detainees completing a rehabilitation program	100%	100%
Number and percentage of detainees completing a reintegration program	n/a	-Average 10.9 detainees per week undertaking community work assignments -Average 29.9 detainees per week undertaking DBKS vocational training (catering/ agriculture/ joinery/ bakery)
Internal and external training courses completed by number and by staff (male/female)	n/a	Internal: 7 training events/ 101 staff (88m/ 13f) External: 24 training events/ 75 staff (37m/ 38f)

Our other key indicators

OTHER KEY INDICATORS	2014	2015
Number of Convicted Offenders admitted into Correctional Centre, per year	46	68
Reoffending rate: percentage of Convicted Offenders admitted into Correctional Centre, per year, who have offended before	13% (6 out of 46 Convicted Offenders)	13.24% (9 out of 68 Convicted Offenders)
Reimprisonment Rate: percentage of Convicted Offenders admitted into Correctional Centre, per year, who have served previous prison terms	4.35% (2 out of 46 Convicted Offenders)	8.8% (6 out of 68 Convicted Offenders)
Number of Parole recalls	4	4
Number of rehabilitation programmes and reintegration activities on offer, by location	Vila: Rehabilitation: 4 Reintegration: 5 Luganville: Rehabilitation: 3 Reintegration: 6	Vila: Rehabilitation: 7 Reintegration: 8 Luganville: Rehabilitation: 6 Reintegration: 6
Number of assaults on detainees and staff, per year	6 Detainee- on – Detainee Assaults 0 Staff- on- Detainee or Detainee- on- Staff Assaults	2 Detainee- on – Detainee Assaults 0 Staff- on- Detainee or Detainee- on- Staff Assaults
Percentage of required maintenance activities completed in accordance with planned schedule	Less than 20%	79.2%
Percentage of vacancies against staff structure	n/a	43.2%. (as at 31 December)
Ratio of detainees to beds available	153 detainees/ 180 beds (as at 11 September)	151 detainees/ 180 beds (as at 11 September)

Our Focus on the Year Ahead

- Construct a new High Risk Unit at the Luganville Centre with the support from NZAID (this work as begun)
- Establish Errangorango Farm unit
- Review relevant section of DBKS Act
- Resubmit supplementary budget for 27 contract staff
- Develop a profile for a Regional Pacific Corrections project which includes development of regional training initiatives
- Maintain preventative maintenance focus at centres and continue to build contract management capacity

Department of Women's Affairs

The objective of the Department of Women's Affairs (DWA) is to bring about the advancement, development and empowerment of Vanuatu women, children and Persons with Disabilities (PWD). It also seeks to increase an understanding on Gender and Gender Equality in Vanuatu through strategic partnerships in policy development and implementation nationally, regionally and internationally.

Post Tropical Cyclone Pam, in March 2015, DWA in partnership with Action-Aid Australia and UNFPA established a Safe Space called the "Women's Information Centres" within the National Disaster Management Office and Ministry of Climate Change Office compound. The Centres were also established on Isangel on Tanna, Eton on East Efate and Willam's Bay on Erromango. The Centres were for women, children and PWD and its role was to provide information and be an issues sharing space after TC Pam.

Our support and facilitation of the Temporary Special Measures (TSM) through 30 per cent quota as Reserve Seats for women in the municipal Councils of Vanuatu resulted in another five women elected into the Luganville Municipal Council on July, 2015. The completion and approval of the National Gender Equality Policy by COM is a major step to assisting the Department and its partners on national strategies direction good financial planning for tangible program outcomes.



Luganville Councillors Training

In 2015, the Department undertook community mapping in five of the selected sites for the establishment of the Authorised Persons and Registered Counsellors in South Santo, Fanafo, Malo Island, Paunagisu Village in North Efate and with communities of Tokyo and Matakuru around Port Vila with support from Aus-AID.

The continuous on the job training and in-service training by our staff assisted in supporting the Department in addressing its institutional and capacity requirements and thereby ensure its efficiency and improvement in its program delivery.

The DWA Annual Report 2015 highlights important developments and challenges that are summarized in the brief below. The Child Desk and Disability Desk summaries are captured separately from the DWA report.

Key Achievements

- Implemented Reserve Seats within the Luganville Municipal Council on July 2015 with 4 women councillors elected and 1 woman through Open Seat into the current LMC- the largest number for any one time since independence.



Luganville Councillors Training

- The establishment of a safe space within the National Disaster Management Office and Ministry of Climate Change Office, Isangel on Tanna, Eton on East Efate and Willam's Bay on Erromango for Women, Children and Persons with Disability information and issues sharing space after cyclone Pam.
- The Gender and Protection Cluster was accepted as a separate Cluster within the National Cluster System of the National Disaster Management Office.
- The approval of funding and establishment of the positions of National Gender Mainstreaming and Inclusion Coordinator and Advisor within DWA for the implementation of Strategic 4 of the National Gender Equality Policy , " Building a Foundation for Gender Mainstreaming."
- The 4th and 5th National CEDAW report was endorsed by COM. It was accepted by UNCEDAW committee and National presentation took place on February, 2016.
- The National Gender Equality Policy 2015-2019 was approved by the Council of Ministers
- Piloting the Authorised persons and registered councillors, particularly establishing an approach to tracking information and improving the flow of information from authorised persons in rural areas to DWA and to other legal public institutions.
- DWA completed the provincial Consultations to inform the Provincial Gender and Women's Development Strategy.

Key Challenges

- Delays in sourcing funds to carry out key activities of the Department.
- Recruitment of DWA provincial staff. Firstly is the attitude to priority at the provincial level to provide support to establishing office spaces and for professional support to staff, and secondly is lack of resources, particularly budget.

Our Budget

The Department's total budget : VT 36, 799,825

Payroll VT 19,745,147

Operations VT 11,054,147

Operations for Child : VT 2,000,000

Operations for Disability Desks : VT4,000,000

It is important to note that the annual budget allocation does not cover the implementation of the various activities under the prioritized strategies. Therefore there is heavy reliance on development partner funding for the implementation of activities by DWA. Child Desk and Disability Desk are also covered under this fund.

Our Staff

There were 13 staff employed at post as of December 2015. Eight of these staff were permanently employed since 2009 and four were on contractual employment basis. There are four vacant positions.

Our performance against the 2015 budget narratives

Description	Qty	Unit of Measure	Comments
Provide the CRC and CEDAW report at UN Convention	1	Internationally accepted report	The 4th and 5 th National CEDAW report was endorsed by COM. It will be presented to the National CEDAW committee and the UN CEDAW committee in February 2016.
Policy for economic empowerment of women	3	Policy development endorsed by COM	The National Gender Equality Policy captures the economic empowerment of women. The Policy has been completed and approved by COM in 2015 and will be launched in 2016.
Gender mainstreaming implemented	3	Program areas	Gender policy alignment. A gender focal point officer will be undertaking that role in role is to carry out mainstreaming gender.

Our Focus on the Year Ahead

- Work with PLP to implement the TSM in the Provincial Elections of January, 2017.
- Work with National Political Reform Working Committee in lobbying for inclusion for Gender consideration in the 2020 National Election.
- Develop a National Framework on Gender Mainstreaming and identify gender analysis tools and processes in Vanuatu.
- Launch the National Gender Equality Policy, Feasibility Study on Vanuatu Women in Business, DWA Website and National Gender Mapping.
- Finalise and Implement the Department's Structure according to the National Gender Policy.
- Implement the piloting of APs and RCs in the five selected locations of Paunangisu village on North Efate, Communities of Tokyo and Matakuru around Port Vila, East Malo, South Santo and Stone Hill in Fanafo, Santo.

Child Desk

From 2013 the Office was assisted by the United Nations Children's Fund (UNICEF) to facilitate two Child Protection piloting sites on Tanna and Erromango, Tafea Province. The purpose of the pilots was to help identify the existing traditional mechanisms in place at the community and provincial level to handling child protection cases as well as improve connectivity and clarity between formal and informal Justice Systems.

This year the Pilot Officers recorded a total number of 10 Child clients and five adults who received help and support and seek information on child rights and child protection.

- Four Child clients seen at the Tanna Office.
- Three Child clients seen at the Port Narvin Office and five adults seek CR and CP information from the officer
- Three clients were seen at the main office in Port Vila

In June 3rd, 2015, the Child Desk Officer went on study leave. Her replacement occupied the position from the 15th June assuming the responsibility of the Child Desk.

The National Child Desk Annual Report 2015 provides more detail into the role of Desk. A summary of its key achievements and challenges are outlined below.

Key Achievements

- The Child Protection pilot at Loanapkamei, Tanna and Port Narvin, Erromango are progressing well despite a number of challenges. In August 2015, the Child Desk officer in collaboration with the Child Protection (CP) team from UNICEF organized a monitoring and planning meeting/workshop with the Pilot Staff on Tanna. The outcome was the development of a four month work plan ((August – November). The work plan contains clear objectives, activities, timeframes and an activity budget. At the end of the four months period there was a plan to organize another workshop to share reports from the pilot sites on progresses, lessons learnt and develop a six months work plan for 2016.
- In November 2015 a second round of Community profile was completed for Loanapkamei, Tanna. Including for Port Narvin.
- Development of one Convention on the Rights of the Child (CRC) Poster and four CP Brochures developed and pre-tested. Suggested changes are still to be made and finalized before printing.
- The National Children's Policy was for a period 2007-2011 was reviewed in 2012 and the report of this review was completed
- Appointment of CP committees at the Province and Communities including the ToR for the Community Child Protection Committee (CCPC) and Provincial Child Protection Committee (PCPC) was approved by the MJCS and sent to them in September 2015. The CP reporting and referral; mechanism were developed by the PCPC and CCPC

committees during their training in October 2015. These will be used by the Committees and the CO Officers

- The MJCS in collaboration with UNICEF recruited a Technical Advisor to assist the development of a Community Child Protection Facilitation Package. The first draft was developed and trialed on Tanna with 21 participants. The participants included the members of CP committees, three chiefs, two pastors, women and youth.
- This year's 24th Celebration of the National Children's Day was held at the Independence Park but not very many people attended because most communities and churches organized their own event. This is however, a good indicator of communities recognition of the Children's Day as an important event in their children's lives.

Key Challenges

- Delayed funding processes prevented the Child Protection Team to have their planning meeting in December for 2016 and activity plans and budgeting.
- Reviewing and developing templates for clients and data for use by the Pilot Site Officers and also reviewing existing reporting templates so that it is easier to use to capture more information when reporting and also to have a proper record file, see client trends and identify child client needs. These can be further identified and how the office can be of help to children and their families more professionally and efficiently
- Assist the Pilot Officers to identify areas/gaps of capacity building
- Recruitment of a National Child Protection Officer so the Child Desk can delegate Child Protection responsibilities to the Officer
- It has taken 2015 to finally finalize all preparations to commence the work on the development of the National Children's Policy and the National Child Protection Policy.
- The IEC materials have yet to be finalized and printed due to limited funding.
-

Our Budget

The Desk's annual budget is **VT 2, 000, 000**. This annual budget allocation does not cover the implementation of the different activities under the prioritized strategies and therefore there is heavy reliance on donor funding for the operations of these program activities and the overall Child Protection Pilot Program on Tanna and Erromango, Tafea Province. The Desk received an amount of **VT2, 749,248** from UNICEF for the Child Protection Pilot Program for the year 2015.

Our Staff

There is one permanent National Child Desk Office and two Provincial Child Protection Program Officers at Tafea Pilot Sites (Port Narvin, Erromango & Loanapkamei/Lenakel, Tanna).

Our performance against the Budget Narratives

Description	Qty	Unit of Measure	Comments
Children's Policy	1	Policy	The National Children's Policy is currently being developed with funding support from SRBJ.

Our Focus on the Year Ahead

- Work with M&E Officer to review project officer reporting and data templates to capture more information and data when reporting. The templates need to be more and easier to use.
- Develop Clients information templates
- Recruit a Child Protection Officer

Disability Desk

The Disability Desk is responsible for the implementation of disability related policies and United Nations Convention on the Rights of Persons with Disability and the coordination of disability activities country wide. The Disability Desk coordinates efforts to ensure the protection and empowerment of people with disabilities is addressed at the national level through strengthening of partnership among government agencies and as well as NGOs and Civil Society Organization.

In 2015, the Disability Desk visited a total of 144 people with disabilities located on nine¹³ islands in Vanuatu. Of this number, 74 were male and 70 females. Of this number, 130 had a physical disability, 18 had eye problems, ten had ear problems, 12 had intellectual disabilities and 1 had multiple disabilities.

For more information, contact the Disability Desk for a request of their Annual Report 2015.

Key Achievements

- After TC Pam, a disability sub-cluster was established within the Gender & Protection Cluster to ensure disability inclusion in recovery processes at the National Disaster Management Office (NDMO) during post disaster meetings, assessment, reporting and distribution of relief supplies. Officers of the MJCS, Disability organisations, and stakeholders were deployed to affected island in SHEFA and TAFEA Provinces to gather information that enabled NDMO to allocate supplies to persons with disabilities in various communities with shelter needs and food supplies.

The sub- cluster provided an avenue that ensured that the voices of people with disabilities were raised in all spheres of the post TC Pam recovery process.



Disability Team and Partners in Communities after Pam

¹³ Aniwa ,Tanna,Efate, Mataso ,Buninga Malekula Maewo, Vanua Lava ,Mota lava

- The Disability Desk in partnership with Friends Vanuatu an NGO visited approximately 80 persons with disabilities in Efate with food rations and shelter kit after the cyclone Pam in March 2015. People with Disabilities and their families appreciated the support and thank the Desk for visiting them during the challenging period. Through partnership with the Department of Tourism, a team of tourist visited children with disabilities around Efate accompanied by the Disability Desk staff and staff of the Vanuatu Society for Disable People (VSDP).



Disability Day March in Mota Lava

- Furthermore the partnerships lead to building of shelters for people with disabilities in Efate whose houses were damaged during the cyclone. The funds were from Friends Vanuatu donated by their friends from overseas who wanted to contribute to the recovery of Vanuatu post Pam.

• In May 2015 ILO organized training on Start Your Business (SYP) program focusing on persons with disabilities. There were 11 participants from Vanuatu who attended the Training of Trainers workshop. This consists of representatives of Vanuatu Chamber of Commerce, VSDP, DPA, SFA and the Disability Desk from the Ministry of Justice & Community Services.

- Vanuatu attended Conference of State Party UN Headquarter in June 2015, New York. Vanuatu representative (Sam Kaiapam) was asked to joint other panelist to share the experiences of people with disabilities during the recent category 5 cyclone.



Celebration of International Day of Persons with Disability on Mota Lava Island

- The Desk in partnership with an Outreach Team from Australia flew donated a number of equipment to aid people with disabilities on the island of Malekula. The team late visited Aniwa and distributed four adult wheelchairs, four children wheelchairs, five crutches, three walking frames, one sewing machine and children's toys.
- The Desk aslo distributed two wheelchairs, to a boy in Mota Lava and a woman on Ra Island in TORBA province.
- The Disability policy was reviewed and had been circulated in the latter part of 2015 to stakeholders for comments. It is anticipated that the review will be finalised in 2016.

- A report on the review and research into the Vanuatu laws compliance with the Convention on the Rights of Persons with Disabilities (UNCRPD)
- Disability Desk with financial assistance from Stretem Rod Blong Jastis Program, organised the International Day of Persons with Disabilities in Mota Lava Island in TORBA province.

Key Challenges

- Insufficient budget allocation by the government to the disability sector.
- People with disabilities are not offered an environment to access education, the buildings are not disability friendly, teachers are not skilled to work with children with special needs. But still the Government through the Ministry of Education keeps increasing its budget when the services provided by schools are not disability inclusive.

Our Budget

The Annual Budget for Disability Desk is VT4, 000,000. Additional donor support was utilised for Disability programs and activities.

Our Staff

The Desk has only one permanent staff, a contract officer to assist with Community Based Rehabilitation and an Australian Volunteer to assist the Desk with its activities.

Our performance against the 2015 budget narratives

No activities were included in our 2015 budget narratives.

Our Focus on the Year Ahead

- Consultation on the proposed Disability legislation
- Finalisation of Disability Policy
- Seek funding for disability activities including renovation of the building given to the Desk and turn this into the National Disability Rehabilitation Centre.
- Continue with CBR outreach activities. Strengthen the CBR committee
- Strengthen Provincial Government Disability Committees and their resources;
- Establish and formalise a Provincial Government Committee in Penama Province

Our Constitutional Bodies Delivery of Services

The Office of the Public Solicitor

The Public Solicitors Office is instrumentally set up to provide certain legal services to the citizens of Vanuatu, particularly to ensure that the legal services as outlined in the Constitution of the Republic of Vanuatu are discharged fairly throughout Vanuatu. The office is governed according to The Constitution of the Republic of Vanuatu and the Public Solicitors Act [CAP177].

Article 5 (2) of the Constitution states that

5(2) "Protection of the law shall include the following:-

a) Everyone charged with an offence shall have a fair hearing, within a reasonable time, by an independent court and be afforded a lawyer if it is a serious offence"

Article 56 of the Constitution states that

56 "The function of the Public Solicitor is to provide legal assistance to needy persons."

Section 5(2) of the PSO Act provides that the term "needy person" is to be:

"interpreted in relation to each particular case and, without limiting the generality of this expression, account shall be taken of the means of the person to meet the probable cost of obtaining alternative legal assistance, the availability of such assistance and the hardship which might result to the person if compelled to obtain legal assistance other than by the Public Solicitor."

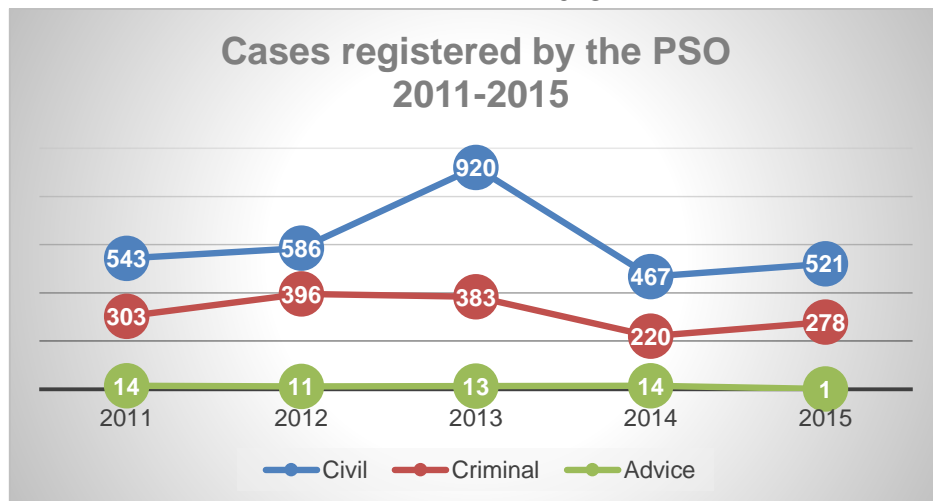
This annual summary report documents the achievements of the Office of the Public Solicitor for the period of 2015 and ongoing progress for enhancements in 2016 and beyond.

Caseload & Data Summaries

In 2011- 2015, our case load remained steady, however from the graph below one can deduce that there was a spike in civil cases in 2013. This is particularly because in 2013, we had lawyers in all our head offices, in Santo, Malekula and Tanna. At that time, the Office strengthened its Legal Advice Clinics in the very remote areas and in our small islands in the Shepherds group, Malampa, Sanma and Tafea Outer islands (areas that are often hard for people to access legal advice or legal representation. In our legal awareness and educational programs, the office provides free services too, to the people who need it. Lawyers often come back from awareness trips with files that were registered and dealt with. Our awareness programs are an eye opener for a lot of needy people outside in very remote areas.

The drop in civil cases in 2014 is largely due to the resignation of a few of our legal offices, which included two lawyers in Malampa and Tafea. An additional two lawyers in the Port Vila Office resigned in late 2013 and early 2014. The two Officers held the highest number of cases (400+) between themselves so it left the Office with no choice but to close the registration of any new civil cases unless they are urgent matters or those instructed by the Supreme Court. The recruitment of new lawyers for the two offices was made in 2015.

Graph 2: Cases registered by the Office of the Public Solicitor from 2011-2015



The Graph 2 above shows that criminal cases were high from 2011 up until 2013 but dropped significantly in 2014. This we believe is largely due to our awareness efforts in the communities. We significantly revamped our awareness efforts and radio programs in 2014.

Graph 2 also shows the Office provides very little advice, however it is not the case. Registering provision of advice in our system was a very complex process and we ended up agreeing not to register advice in our system unless they are 'written advice'.

The number of cases 'closed' or dealt with by the Office in 2011-2015 is shown in the Graph 3 below. Correspondingly, the number of cases closed in 2013 is higher than any other year due to reasons provided already above.

Graph 3: Number of Cases 'closed' by the Office of the Public Solicitor in 2011-2015



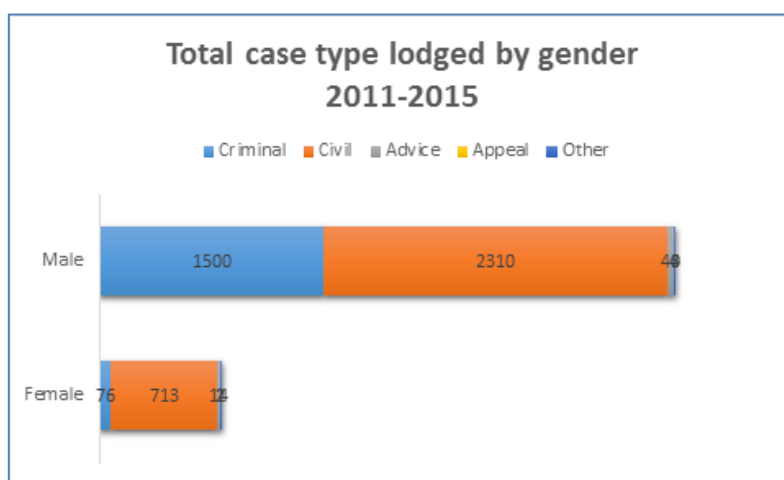
The Graph 4 below shows that criminal cases lodged by males were higher than females. Male's lodge on average, a total of 300 criminal cases per year compared to 15 cases per year lodged by females.

Civil cases are high for men too compared to women. Men lodge on average 462 civil cases per year compared to 143 cases by women.

This data shows us that women are still afraid to speak out or seek redress for their issues. Additionally, we send female clients to the Vanuatu Women Centre to assist them particularly when their cases are domestic in nature. Moreover, we also send female clients to seek further assistance from the Vanuatu Police Force and so forth.

A lot of women do not know their rights and it is only during our awareness sessions that they come to understand that what is happening to them or in their homes is wrong. It is only after those sessions that they seek redress from our office.

Graph 4: Total Case Type lodged by Gender : 2011-2015



The Legal Case Management System is now operating on phase 2 making it possible to access reports on data as you can see above. The office is still focusing on improving the system in phase two in order to be able to break down data into provinces, clients' island, locations and to have a more transparent record of caseloads.

Key Achievements

- Official Launching of the PSO Lawyer Handbook**
 The Office of the Public Solicitor has officially launched in September 2015 an official recognition of its first ever handbook to be published over 2012 to 2015. It is a milestone for the PSO to guide its lawyers with the implementation of the lawyer handbook to help improve lawyers in their legal practices. It has also attracted lawyers from the private sector who have requested a number of copies of the handbook. Over 100 copies were given out during the official opening program. The printing cost of the handbook was kindly funded by VLJP through the Ministry of Justice and Community Services.
- Two Additional Lawyers & 1 Support Staff Recruited**
 PSO recruited 2 additional lawyers in replacement of the 2 outgoing lawyers for its offices on Malekula and Tanna. Recruitment of a support staff was also made for the

Tanna Office to assist the lawyer. This recruitment was vital since after the Cyclone Pam, the officer continued to assist in taking care of the office even though it was damaged badly. The officer also communicates business matters through telephone.

- **Staff Permanent Appointment**

Ms Darrina Vire (PSO Santo's Receptionist/Clerical Officer) received her permanent appointment from the PSC in 2015 after occupying the same post for over 2 years on a temporary basis.

- **Legal Advice Clinics**

Due to the Cyclone Pam effects, PSO was not able to carry out legal clinics as planned, however, the office was able to carry out a few awareness programs around shefa, Malampa and Sanma Provinces.

- **Jail Visits**

The PSO did its best to maintain the weekly jail visits according to the solicitors' availability and where necessary. However, it was not easy as the PSO's head office itself was shorthanded after 2 of its experienced lawyers resigned from their positions over 2014 & 2015 to join the private practice.

An additional junior lawyer, Miss Kylie Bakeomemea was later recruited within the year, but was unfortunately and unexpectedly fell ill within the first month of her employment. She fully recovered and was able to pull through and is now performing well and is a great assistance to the team.

- **Weekly Meetings**

Weekly meetings have been implemented by the Public Solicitor for the legal and administrative teams and have had a great impact on the development of the office. It has subsequently strengthened and maintained the office's output of its service delivery to a more satisfaction delivery. A PSO task management team has been established to progress the office's future development plans.

- **Office Retreat**

A 3 days office retreat was carried out in December of 2015, partly funded by the VLJP & PSO which saw the office successfully implementing its official structure review and strategic plan for 2016. This has been very successful with end's results. Responsibilities were being allocated to certain respective senior officers within the office to oversee the tasks in 2016.

Key Challenges

- **Effect of Cyclone Pam**

The challenges faced with the effect of Cyclone Pam in March 2015 consequently affected the whole country with a majority of the Government services. The Public Solicitor's Office was also severely affected and is still awaiting aid from the Government to fully operationalise the Tafea Office. PSO Tanna is not functioning at present having had its roof blown off by Cyclone Pam and requires funding for the repair. A majority of the PSO Tanna's equipment need replacements as they were all

destroyed following the destruction of Cyclone Pam. This includes the office's rewiring after the roof repair.

- **Solicitors Awaiting Admission**

The two lawyers being employed over 2015 for PSO Malampa and PSO Tafea are both still awaiting their admission to the Courts before they can be relocated to their specific locations to take over their respective responsibilities. Applications for their admission have been lodged over 2015 and are still pending endorsements by the courts.

- **The Public Solicitor's Act**

In order to be able to discharge its full responsibilities, the Public Solicitor would require its Act to be amended. However, to date the PS' Amendment Bill is still pending finalisation by the State Law Office before it can be lodged with Parliament for passing of the Bill. The PSO has had difficulties in the past with recruitment issues and with the amendments, the long process of recruiting new solicitors would improve.

- **Limited Solicitors in Outer Provinces**

PSO Malampa and PSO Tafea both require additional assistance for two (2) junior lawyers to assist the responsible solicitors overseeing the offices with their heavy workloads in order to provide a sustainable and effective service.

Likewise, the PSO Santo needs to be strengthened with human resource sustainability to fully satisfy the need of the Sanma, Penama and Torba Provinces. With only two (2) existing lawyers in the Santo Office, the office is unable to provide sufficient service as required, thus meant that officers from Port Vila Head Office are often sent to Santo to support, particularly, when there are court circuits in the outer provinces.

- **PSO Official Structure**

The PSO Official Structure has been revised and is pending approval from the JSC before assessment of salary grades can be done by PSC to effect from 2016 onwards.

- **Budget**

The PSO's operational budget is a challenge itself having to maintain all four (4) offices with just over 51 million vatu.

Our Budget

The Public Solicitors Office's total budget is VT**51, 404,505** with payroll being VT39, 627,561 and Operations being VT11,937,583. Support from the VLJP under the Ministry of Justice for the PSO's Legal Case Management System (LCMS) was worth of VT3, 500,000 (project). The Public solicitor would like to acknowledge the Vanuatu Government, Ministry of Justice and Community Services and the Vanuatu Legal Sector Strengthening Program (VLJP) supported by Australian DFAT for their continual support to the PSO.

Our Staff

The PSO has an overall of twenty(20) staff altogether with twelve(12) staff in its Port Vila Head Office including the Public Solicitor, two(2) Senior Solicitors, two(2) solicitors, one(1) Assistant Solicitor and six(6) support staff; the PSO Santo has four(4) staff, one(1) Senior Solicitor, one(1) Assistant Solicitor & two(2) support staff; PSO Malampa has two(2) staff, one(1) lawyer and one(1) support staff, and PSO Tafea has two(2) staff, one(1) lawyer and one(1) support staff.

There is one (1) Technical Advisor in the Port Vila Head Office provided by the PJSPV.

Our Performance against Budget Narratives 2015

Description	Quantity	Unit of Measure	Comments
To maintain representation in all criminal law matters and ensure the availability of representation in all criminal Courts	99	percentage	Maintained all year round
To continue to undertake individual training needs analysis for staff as required and continue to investigate and implement increased training and development opportunities		as required	Liaising with PSC, MJCS & VLJP
To maintain & update reprints of brochures for public awareness	10,000	Brochures	Maintained as required
To strengthen & upgrade all PSO offices where necessary in 2015 and maintain a healthy and proper working environment	4	Offices	Maintained with limited budget
To maintain duty lawyer service in Port Vila and ensure to service all regional court sittings	99	percentage	Maintained & budgeted for
To maintain the regular jail visits in order to provide advice and assistance to all convicted detainees without lawyers in all correctional centers within Vanuatu.		weekly	Maintained - weekly
To continue and engage with relevant government and other partners in providing legal educational programs within our communities		ongoing	Maintained
To maintain conducting island based legal advice clinics and enhance community education seminars in all remote area	12	weeks	Maintained with funding available
To maintain proper data recording on Case Management System	100	percentage	Fully maintained

Our Focus for 2016

In 2016, we have a number of objectives to work on. These include:

- Maintain and Improve Client Service Delivery
- Increase practice management efficiency
- Maintain and improve access to legal services and legal awareness
- Legislative Reform
- Enhance capacity to deliver services

Malvatumauri Council of Chiefs

The council of chiefs was established under the Chapter 5 of the Constitution (articles 29 and 30). The purpose of the Malvatumauri Office establishment is to provide an administration to the Malvatumauri Council and discuss all matters relating to *kastom* and tradition and the preservation and promotion of the Ni-Vanuatu language. The National Council of chief Act No 10 of 2006 defines most of the roles and function of the council and it is intended to safeguard the harmony and peace in the society.

This short annual summary report provides an overview on the work development and progress of the office of Malvatumauri for the period of 2015.

We note the effect of the TC Pam which had largely affect the whole nation, and had consequently affected most of the government services, followed by the national political crisis of 2015, however it is in the spirit of our institutions that we will continue to evaluate ,monitor and report most of our priorities achieved activities for record and information purpose.

Key Achievements

- For the first time since independence; the office of intellectual property in partnership with the Malvatumauri developed a strategy to safeguard the manufactured properties and protection of custom trademarks in the business sector. It is likely that the approach and initiative undertaken will enhance the local industries and will be beneficial for both formal and informal governance systems.
- Launching of the pilot implementation program of the 19 resolution in Loltong, Pentecost (June 2014). The result was outstanding and it showed that most of the 19 resolution activities had been finalized and jointly approved by the chiefs and people of the area concerned. Similar pilots have been implemented on Epi, Malo and Erromango
- Malemeli Island Council of Chiefs on Ambrym is carrying out a number of training awareness with assistance of the Malvatumauri on major roles and duties of chiefs on Ambrym. The 2nd phase of the project was completed in June 2015.
- Structure of the institution was reviewed, finalised and sent to Public Service Commission for approval.
- Major infrastructure development at MCC included a new stock room , new public toilet facility and upgrade of the fencing perimeter outside the premises. More infrastructure development are expected to be developed in the future

Key Challenges

- Ongoing lack of support and resources, particularly human resource and budget to support implementation of plans. Current we have only four staff and that is not enough to fully implement our work plan, the daily office administration, the coordination and enforcement of the National road map, and required service and function of the institution.
- Provincial structure and custom structure creates a lot of confusion within communities e.g. two separate area councils and various nomination of chiefs and leaders in the same custom area
- The National Council of chief Act must be reviewed to enable better institutional function and the requirement of service.
- There is not enough funds being made available to MCC to allow for the smooth implementation of the 19 resolutions
- Political changes within the Ministers of Justice and the position of the Chief Executive Officer of the MCC

Our Budget

The Malvatumaui's total budget is VT 29,463,144 with payroll being VT 7,627,561, Operations being VT8,937,583, support to Island Council of Chiefs being VT 5,387,000 and Council Member's Allowance VT6,275,304

Our Staff

There are eight Officers in the Malvatumaui. From these, there are three permanent staff, one Acting staff (CEO, appointed in the interim to replace outgoing CEO), three contract staff and a constitutional appointment. (President, appointed for a period of five years)

Our Performance Against the Budget Narratives

Description	Qty	Unit of Measure	Comments
Reviewed Malvatumaui administration structure approved by the PSC	1	Approved	Need to be implemented
Bills related to kastom, culture and land brought before Malvatumaui Council prior to Parliament	100	Percent	None
Malvatumaui Administration Centre fencing completed	1	Completed/ <u>Not Completed</u>	To be completed by 2016
Increase in revenue generation for Malvatumaui	70	Percent	New kava Bar revenue
Council Meeting	1	Meeting	Council meet was held in July 2015
Complete identification of heads of nakamal and Kastom Area and their boundaries for 2 islands location	80	Percent	Incomplete
A collaborate process of accountability is agreed upon	1	Agreed/ not agreed	No progress

Meetings held	1	Number of meetings reported	15 executive meeting – 1 national council completed
The collaboration process is implemented in the 40% of island and Urban Council	40	70%	No progress
The collaboration is implemented in the 50% of island and urban council	50	50%	No progress
Allowances Paid	31	Monthly	Budget covered

Our Focus on the Year Ahead

- Develop an Infrastructure Development Plan
 - Nakamal reconstruction with new Chamber
 - Wall fencing
 - Establishment of all island council
 - Others
- Implement the organisation structure(pending approval by the PSC)
- Implement the 19 Resolutions Road Map.

Our Statutory Bodies Delivery of Services

Customary Lands Management Office

The core function of the office is to facilitate customary land dispute resolution. Our mission is to develop and implement culturally acceptable dispute resolution tools in Vanuatu with the Malvatumauri National council of chief to minimize and control land disputes.

Our Act, the Customary Land Management Act (CLMA) provides the guidelines and procedures for determination of custom owners and the resolution of disputes over ownership of custom land by customary institutions. The final decisions of the customary institutions which are not challenged become **‘recorded interests in land’**.

The brief below summarised key achievements and challenges faced in the office in 2015.

Key Achievements

- Able to implement its organisational structure that was created in 2014 to cater for the changes in the Customary Land Management Act (CLMA). A new position called Land Reform Administrator was created in January 2015, and plans are underway to create another 8 positions
- Nearly 400 cases of land disputed are already been scanned and entered on excel. It is expected that in 2016, all cases will be completely scanned.
- OCGIO has developed a database for the CLMO. The system was tested by officers in 2015. It is expected that the case module component of the system will be developed in 2016.
- A total approximately 500 adjudicators have been trained on four islands namely, Efate (Epau, Emua, Erakor), Malekula (Lekan, Wurarie), Santo (Canal Fanafo, Lope Lope), Ambrym (North and West).
- Reviewed all educational materials, training modules, administrative procedures, and the Land Acts as priorities activities
- Implemented a pilot project to test the implementation of the law. The aim was to trail its procedures and process, check whether the effort from the chiefs are genuine, the scope of the financial support are sufficient and whether role of the office is practically workable, and if not what other alternatives exist.
- Activities were carried out on Efate, and Santo. The activities include awareness outreaches, validation of a list of ‘true’ chiefs, standard training for adjudicators, and facilitating court hearings.

Key Challenges

- **The implementation of the new CLM Act**

The implementation of the new CLM Act and its related Act, the Land Reform Act has not been an easy task. The reforms on the Acts have been designed to be implemented by two institutions – the CLMO and the Department of Lands (DoL). Thus we are now forced to review and revisit our awareness and training material including redeveloping new forms, procedures and administration guidelines.

While we have established linkages procedures with other line agencies such as the Land Management Planning Committee and Department of Lands to ensure that process in land dealings flows as required by all land laws, our clients have yet to familiarize themselves with it.

A pilot project was proposed test land dispute resolution in the new Act, however the time frame given to start the pilot has now lapsed. The project has been extended twice because it was a bit difficult for two offices with two different mandates to work together as there is no strong coordination mechanism in place to facilitate this work.

Apart from the few nakamal cases¹⁴ people are concentrating more on the issue of the Certificate of Recorded interest in land. The office has received over sixty (60) applications, of which only 9 certificates were issued. Most applications were not eligible as they did not meet the requirement stated in the CLMA.

- **Human Resources at the top management level:** One officer tendered her resignation letter on October 2015 putting a strain on the workflow process.
- **Relationship with department of Lands & chiefs :** There is a lot of delays in decision making due to the fact that the new lease process is very new and never been tried before, moreover the challenge remains that is being managed by two agencies with two different mandates CLMO & Department of Lands (DoL).
- **Kastom governance:** CLMO is still facing challenges in terms of kastom governance, e.g. the issue of disputes over chiefly title, customary boundaries, the list of adjudicators and so forth. It appears that the MCC has not yet been able to sort out its governance issues in order to assist or enhance the process of dispute resolution. Thus the CLMO has tended to undertake additional duties and tasks which are not in its mandate in order to support the work of the MCC.
- **Billboards:** Erecting billboards on custom land was a challenge in 2015. This is the first time the office has facilitated the process of erecting billboards. Putting up billboards is carried out in accordance with the Land Reform Act Section 6B. Throughout Vanuatu, there are three provinces implementing this process; Sanma, Shefa and

¹⁴ Six being heard at Nakamal level

Tafea Province. In Sanma Province, there are two billboard. In Shefa Province, there are nine billboards erected on Efate Island. In Tafea, there is one Billboard erected on Tanna Island.

The challenge with erecting billboards is the facilitation of its process. Firstly, the office must facilitate communication between Chiefs, Land Department and Customary Land Management Office, the process itself is not efficient. For example, on Efate, the Lands Department erected billboards without the consent of chiefs and the Customary Land Management Office. Our office found out later and tried to consult with the chiefs to explain the process. Secondly, erecting a billboard is a very expensive exercise to undertake. There are no funds to put up billboards.

- **Awareness and training**

Awareness and training activities were slow to be undertaken. The CLMO and MCC revisited the listing of chiefs in the Area and Island council to ensure that only certified chiefs were trained. The CLMO Staff and its relevant partners will need to be trained before they start to train the chiefs, adjudicators and secretaries.



Adjudicators Training: South East Santo

Out of 2,000 chiefs and Adjudicators to be trained in the country, only 21.55% were trained, 78.45% are yet to be trained.

- **Financial constraint** : Finance is still our number one challenge; the salary of the six provincial CLOs has not been part of the 2015 annual budget. In addition, the Land Ombudsman is utilizing our budget; therefore our operation budget had not been flexible enough to handle our activities. This meant a delay in our office's administration and delay in progress of activities.

Additional difficulties faced in the implementation of the new Land Management Act and Land Reform Act include:

- Financial constraint makes it very difficult for the Land Management Office to implement its priorities.
- The process outlined in the Act itself too long and requires a lot of time and money especially when it comes to facilitation of the applications from the LMPC.
- Break down of communication between the CLOs and the head office.
- Chiefs are not cooperating with CLOs.
- Certificate of Recorded interest in Land became an outstanding issue based on the information provided by the clients, sometimes the information provided can be very misleading especially when a declaration is made outside the process spell out in the Land Management Act.



Adjudicators Training: East Efate

Our Budget

The CLMO budget in 2015 was VT 20,100,755 and approximately VT 2,000,000 from the donor funded program the Vanuatu Land Program and VT 1, 500, 000 from the Stretem Rod Blong Jastis Program.

Our Staff

There are a total of 13 staff; 11 permanent staff and two contract staff. Ten of these are Customary Land Officers.

Our performance against the 2015 budget narratives

Description	Qty	Unit of Measure	Comments
Training of Adjudicators for each island council of chiefs	21	No. of islands visited	In 2015, there were over 500 adjudicators trained from four islands.
Hearing & determination of land disputes and identification of land owners	42	No. of cases complete & registered	CLMO has facilitated 21 cases, only 3 were completed,

Facilitating the leasing process	42	No. of cases facilitated	This process is slower than initially expected. Only three leasing process as per LRA Act completed and issued with Green certificate
Awareness of chiefs in island councils	21	No. of islands visited	Awareness was only carried out on four islands.
Awareness of chiefs in island councils	500	No. of participants	CLMO held nine outreach and awareness sessions on 4 islands. Over 700 chiefs and ordinary people attended.
Strengthening of Administration recruitments	3	Staff recruited	Two staff were recruited in 2015
Training of Adjudicators for each island council of chiefs	420	No. of Chiefs Trained	Over 600 chiefs were trained
Training of Secretaries of land tribunals for each island council	21	No. of islands visited	50 secretaries were trained on four islands
Training of Community Land Officers for each island council of chiefs	21	No. of islands visited	None
Training of Mediators on 6 main islands	6	No. of trainings conducted	None
Hearing & determination of land disputes and identification of land owners	105	No. of cases heard	Only three cases were completed as per the CLMA. This is partly due to insufficient funds do more work in this area.

Our Focus in the Year Ahead

- Continue pilot sites implementation
 - Facilitating court cases on Efate, Southeast Santo and Fanafo Canal, Southeast and Northeast Malekula and North Tanna area council.
 - Compile reports on the lessons learnt from the awareness, trainings and facilitation of Courts on Pilot sites.
 - To complete unresolved cases
- Ways forward for issue paper of Customary Land Management Act
 - Develop policy to ease the implementation of the Act
 - Recommended some amendment as required
- Human resource development
 - Implement revised structure -Recruit to fill up senior positions in the CLMO
 - Secure additional funds to support the recurrent budget
 - Recruit a STA to support specific issues identified by the CLMO
- Implementation of new lease process
 - Processing lease applicant
- Continuing to Strengthening of the Office
 - Recruit a STA to work with the office of the NC support specific issues identified by the CLMO
 - Establish the Northern provincial office & resources it
- Support provincial CLO
 - Provide finance & technical support to the CLO
 - A vehicle of the CLO , Shefa

Office of the Land Ombudsman

The Office of the Land Ombudsman was established in December 2014 after the appointment of the first Land Ombudsman of Vanuatu on December 8, 2014. The Land Ombudsman was appointed by the Judicial Services Commission under Section 6L of the Land Reform (Amendment) Act No; 31 of 2013.

The functions and powers of the Land Ombudsman are spelled out very clearly within the sections of the Act. These functions and powers relate primarily to cover areas of customary lands and potential leases and operate horizontally with other key players with vested functions on customary lands and potential lease. The key players are LMPC, the CLMO and others are the Ministry of Lands and Natural Resources and the DoL.

Key Achievements

It is not possible to assess any achievements at this point in time since the commencement of the operations and functions of the Land Ombudsman. This was significantly a result of the lack of budget to cater for a fully functional office. On the contrary, it can be assumed that the achievements so far are the level of complaints that have been received and dealt with in 2015. Evidently, targets to achieve have not been stated in the beginning of 2015. This is simply because targets are just not possible to predict as it is externally dependant on who decides to lodge a complaint. In other words functions and powers of Land Ombudsman are reactionary only, meaning they are only activated depending on the decision to lodge a complaint from the potential complainants.

There are however a number of opportunities if the office is well supported through budget allocation. These include;

- Investigating corrupt land deals particularly in customary land ownership identifications.
- Investigating fraudulent deals in land leases that are registered in the Ministry of Lands.
- Further, the Land Ombudsman may work in conjunction with the State Law Office in preparing investigation reports and execute proceedings on land cases in the courts of Vanuatu on behalf of the customary land owners. This, however, will depend largely on the political will and amendments of the existing Land Reform Acts and the Land Leases Act.

Key Challenges

- The main challenges faced by the Office of the Land Ombudsman are the pending implementation of the full structure of the Office. This is due to the lack of budget support.

- The above challenge has resulted in low level of operation of the Office.
- Only minimal complaints were received while the majority are complaints that were not within the jurisdiction of the Land Ombudsman.

Coupled with the challenges, the Office has faced a number of constraining factors since the appointment of the Land Ombudsman and the establishment of the Office.

- **From December 8th to 31st December 2014:**

The Land Ombudsman was appointed on 8th December, 2014. The period between the 8th December and 31st December 2014 was the initial operational phase of the Office.

Budget was the main challenge on this period because there was no budget allocated for this new establishment. The only financial factor affecting the operation of the Office is the salary of the Land Ombudsman which is taken from the Customary Land Management Office budget.

The nature of the roles and operations and particularly the ideology and concept of the Land Ombudsman is that of its independency status. This status with the normal view and perception would invoke a separate building to house the operations and administration of the Land Ombudsman. However, for this period it was just not possible. It must be understood that this is a land revolution which called for a necessary reformed ideology by enacting a land system to curb corrupt land deals. It was a matter of urgency for this to happen. On this basis, it was expected to take place the way it did.

The idea was to first of all appoint a Land Ombudsman and secondly, the responsibility was for the Land Ombudsman to design a structure of the Office and to create the required budget to the government. It would then be expected that the approval of the budget would set a basis for the establishment of the Office and its administration.

- **From January 1st to 31st December 2015:-**

The following are the constraints faced by the Office of the Land Ombudsman in 2015.

- **Lack of Budget Support:** The lack of Budget Support continued to be the major setback for the operations of the Land Ombudsman for the entire 2015. This phenomenon continued to plague the operations of the Land Ombudsman since the appointment of the Land Ombudsman on 8th December, 2014. The Land Ombudsman was the only personnel who endeavoured and laboured to uphold the operations of the Office. The lack of budget meant that the Office Structure could not be implemented and this prevented the full advertisement of the functions and powers of the Land Ombudsman. Advertisement of the functions and powers of Land Ombudsman was done on a minimal basis. Initial advertisement or awareness of the functions and powers of the Land Ombudsman were done 3 consecutive times through the Daily Post News Paper. The first such activity was done through the Daily Post on 8th December 2014 which was published publicly on the 9th December 2014. Two consecutive advertisements and awareness were done again yet through the Daily Post Newspaper on January, 2015. The basic initial reason for such level

of awareness reflects the fear that there would be a flow of aggrieved land owners into the Office to a level that would confront the limited capacity of the Office to deal with the complaints.

The Budget constraint meant a low level of operation of the Office as would normally be expected.

As explained earlier on, the execution of appointment of the Land Ombudsman on December 2014 came in after the approval of 2015 Budget and as mentioned, has a direct impact on the level of operations (as expected).

- **Onslaught and effects from Tropical Cyclone Pam :** The effect of cyclone Pam on 13 March, 2015 was another challenge to the operations primarily to the operations of the Customary Land Management Office which in turn affects the operations of the Land Ombudsman Office. This was also a major setback affecting the advancement of the new Land Laws of 2013.
- **Change in the Government and proposal to repeal the land reform laws:** In mid-2015, there was a change in the Government which saw the Natuman led Government replaced by the Kilman Government. The change of the government only intensified the problems to the implementations of the land reforms in Vanuatu. The new Minister of Lands was Mr. Paul Barthelme Telukluk took over the reign of the Ministry of Lands from Mr Ralph Regenvanu. The new Minister was anti the land law reform and moved quickly with the intention to have the new land reform laws and the amendments repealed by Parliament.

Our Budget

The Land Ombudsman did not have an approved budget in 2015. The salary of the Land Ombudsman is paid through the budget of the CLMO.

Our Staff

There is only one staff at the moment (Land Ombudsman).

Our Focus for 2016:

- Budget Approval by the Parliament
- Establishment of a separate office
- Recruitment of staff (1 Investigation Office, 1 Administrative Officer and 1 Office Cleaner)

Other agencies that we support

State Prosecutions Department

The main role of SPD is to ensure that Criminal cases are effectively and efficiently prosecuted in the Magistrates' Court without unnecessary delays. Reduction of unnecessary delay has been the focus of significant attention by SPD over 2014 and 2015 which addresses the JCSSS 2014-2017 strategy; *"Delays of progression of cases"*.

The SPD operates four officers in Vanuatu; they are located in Luganville - Santo, Saratamata - Ambae, Lakatoro - Malekula and Port Vila - Efate.

The Table 2 below (left) captures the registration of incoming cases recorded in our office in 2015. These figures include cases committed to the Supreme Court. The table on the right shows the status of registered cases that had been worked on in 2015.

Key Achievements

Participated in Legal Advocacy in Civil and Criminal Jurisdictions

Table 4: Registration of incoming cases and status of cases in 2015

Province	Cases	Description	Number
SHEFA	656	Open with further date	416
SANMA	431	Open with PPO (PI case)	3
PENAMA	31	Charges drafted ready for listing	242
MALAMPA	10	Open for drafting	42
TORBA	6	Open unassigned	323
TAFEA	74	open with Police for further investigation	19
TOTAL	1177	No further listings	53
		Closed in Error	8
		Unknown	1
		TOTAL	784

- Participated in Legal Advocacy in Civil and Criminal Jurisdictions conducted by Victoria Bar Association funded by Strettem Rod Blong Justice.
- Completion of State Prosecution Manual.
- Provincial Training.
- Participate with Office of Public Prosecutors Retreat.
- In house training with Adviser.
- Eliminate the number of Supreme Court matters being case managed by the SPD.
- Increase access to justice by improving the quality of case briefs received at SPD.
- Improve efficiencies in case management SPD listing cases in the Magistrates' Court.

- Review the effectiveness of the current charge and summons procedure to bring criminal offenders before the Magistrates' Court in a more efficient and timely manner.



- Leadership course attend by PC Michael and Inspector Langon
- In house training (SPO & Police) run by Inspector Gray Vuke and David Bade(Advisor)
- Middle management course
- Rapid Charge training run by advisor, David Bade & John Conolley
- 619 case dealt with in Sanama Province

SPD Training with NZ Police Prosecutors

Key challenges

- The SPD has an enormous backlog of 452 pending criminal cases which must be dealt with by end of March 2016¹⁵,
- SPD Vila has an enormous backlog of pending criminal cases that have begun their life in the Magistrates' Court but are not finalised and have no future court date¹⁶
- State Prosecution Tanna House blown Down By cyclone PAM
- Office Space in Tanna is too small and needs renovation.
- Human resources is a key factor in delays
- Backlogs in the SPD deny accused the right to have their matters heard and determined in timely manner.
- Attending court circuits without allowances and impress.
- There are three major issues impacting on the efficiency of the office and its ability to bring matters before the court in a reasonable time. These are;
 - Procedural issues
 - Human Resource Issues
 - Budgetary Dependence

¹⁵ 452 cases have to be completed by March 2016

¹⁶ cases have no future court date

Our Budget

The Government of Vanuatu has not provided an annual budget for the operations of the State Prosecution for over twenty years.

Presently the cost of running the SPD is divided between the VPF and the PPO. The VPF pays for staff wages and the cost of utilities such as power and water, while the PPO pays for the cost of stationary and general maintenance. If either of these agencies comes under any financial pressure, it is often the SPD that suffers.



If the SPD
budget to

SPD & PPO staff at PPO Retreat

was given its own operational
manage, it would be able to:

- Pay utility bills and ensure the office remained open,
- Manage the maintenance of the office vehicle, so it remained operational and capable of being used to carry out the core functions of the office,
- Manage the maintenance of office assets, such as computers and the photocopier, to ensure they remain working and the office can operate efficiently, and
- Plan and carry out internal training as required, without the need for funding from Australian Aid projects such as *Stretem Rod blong Jastis*.

In 2015 a total of 2,000,000 million vatu was announced as SPD budget and was injected into month 12. This makes no changes.

- Court circuit were cancelled.
- Officers traveling for court tours still did so without allowances.
- Impress were sent to officers on court circuit 2 to 3 days late.
- Staff of SPD use their own money to ensure that the office is clean.

Our Staff

There are a total of eleven Police prosecutors in Vanuatu. There are three Prosecutors in Sanma who also look after Torba. Penama has one prosecutor who is based in Saratamata. Malampa has one Prosecutor based on Lakatoro and Port Vila has six prosecutors who are responsible for the case in Port Vila, Shefa and Tafea.

Our Focus in the Year Ahead

Our focus for 2016 is:

- Professional service delivery
 - Proper cover sheet
 - Time to prepare case
 - Brief prepared
 - Strengthen court attendance
- Access to Justice
 - Attend to all court circuit
 - Access on line case tracking system
 - Inform complainant on outcome of case.
 - Programme north Efate court circuit
- Strengthen and improving institution
 - Review structure of office
 - Back log clearance by end of April 2016
 - Stock take by end of March 2016
 - Renovation and extension of office
 - Vehicle repaired
- Improving individual capacity Welfare
 - Individual training
 - Increase Prosecution allowances

Our Finances

Overview

Ministry of Justice and Community Services (MJCS) is unique and has financial challenges within the Ministry and across the Sector. The other sector agencies have their own mandates but the Ministry works very closely with them as part of the MJCS's assistance to the Sector. Some of these agencies provide a copies of their annual reports to the MJCS but only those directly under MJCS are included in the financial report in this section. These offices include: the Department of Women's Affairs, the Department of Correctional Services, the Customary Land Management Office, the Malvatumauri Council of Chiefs, the Vanuatu Law Commission and the MJCS Cabinet and CSU. .

Although this sector has a relatively small operating budget, the Ministry and associated agencies have worked with the government and donor partners to deliver a satisfactory level of justice and community services to the people of Vanuatu. More could be achieved if the funding allocated was used directly for the planned activities and unbudgeted activities are minimised.

The tremendous work of the sector in responding to Cyclone Pam in March 2015 is also acknowledged and the sector continues to work towards restoration of infrastructure damaged to ensure that the impact to service delivery is minimised. The support of the sector's donor partners is gratefully acknowledged in partnering with us to achieve this.

The Ministry with support from the SRBJ program had worked hard in 2015 to upskill the financial capacity for all the Finance Officers of the agencies. All Finance Officers were brought together, capacity assessments were carried out and training needs were taken into consideration to develop and implement a training plan. Finance coaches from the sector and from the Ministry of Finance were identified and matched across the sector. This provided an excellent model for finance capacity support across the sector. It also provided an opportunity for sharing information asnd work expertise with one another. With support from the SRBJ program, the MJCS is working hard to give the finance officers the skills that they will require to prepare their budgets costings and robust explanation in the budget narratives reflecting on the real agencies activities.

Every year from June to August, the MJCS supports the preparations of credible budgets with clear and robust narratives across the sector. This is in order to reduce cut and paste from the previous year's budget which was heavily criticised by the members of Parliament in 2012.

MJCS is usually perceived as a non-revenue ministry and it makes it hard to gain additional budget through New Policy Proposals (NPP). It needs a thorough budget preparation and

political will. The changes in government and in ministerial postings also has a significant impact on cabinet finances as the leave entitlements are not budgeted for but must be paid out when cabinet staff are removed. In 2015 this resulted in there being insufficient funds for rent which had to be vired from the limited corporate services budget, thus reducing the amount available for support and service delivery.

Funding shortfalls for senior staff salaries in other Justice Sector agencies also resulted in funds allocated away from planned activities to salary top ups.

The Ministry is also constrained by the number of unfilled vacancies in the approved structure which places pressure on the corporate staff to fulfil their support role to the Ministry and the sector.

The Way Forward

The Ministry with support from the SRBJ program and its other stakeholders will continue to work in collaboration with the Sector agencies to upskill the Finance Officers and build financial management capacity. The current model makes it easier for information sharing, future trainings and it creates an open and friendly environment where officers from different agencies can work together to solve financial issues. Better planning, budgeting, monitoring and reporting will improve financial management and decision making.

Our Finances -2015

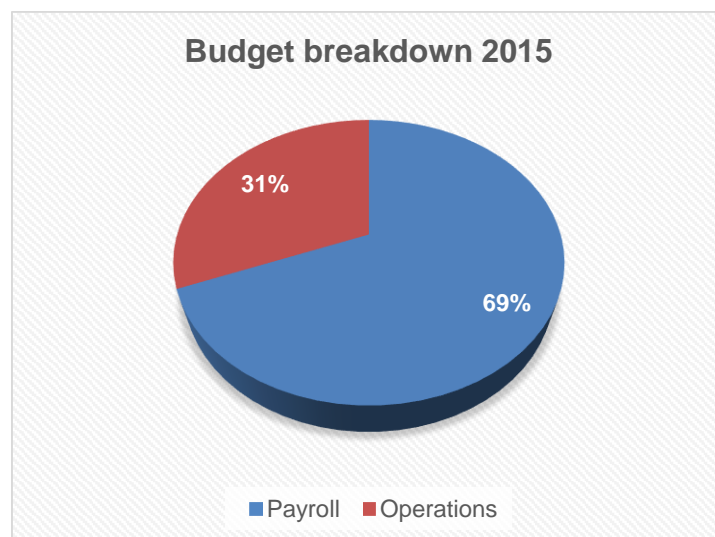
MOJCS received an allocation of VT 333,337,089 in January 2015. This figure is an increase of approximately 1.5% of the previous year's budget. However the budget was increased again during the year by VT 3,546,575 with a supplementary budget allocation. This brought the 2015 budget to a final figure of VT 336,883,664 an increase of a total of 2.5% from the previous budget.

The increases are allocated to the:

- Vanuatu Law Commission – Addition recurrent of VT 5,000,000 to payroll for the vacant positions in support of salary/wages and other entitlements.
- Office of the Director General (MJCS) – Supplementary budget of VT 1,460,958 for the commitments made towards the repair and maintenance of buildings damaged by Cyclone Pam.
- Office of the Director General – Virement of VT 2,085,617 from Malvatumauri Council of Chiefs for the Financial Assistance in logistics for the Annual General Meeting.

The 2015 budget has two core components: Operations and Payroll (see budget break down in Graph 5)

Graph 5: Budget Breakdown in 2015



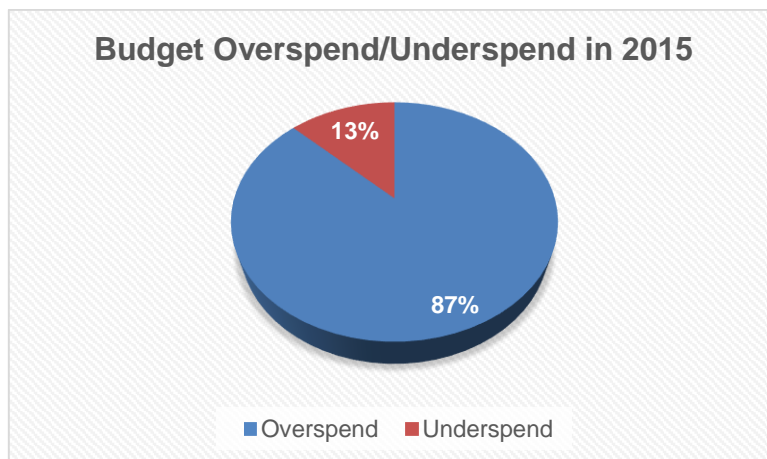
In 2015, payroll took up 69% of the budget and the rest 31% was left for Operations. . The Operational Budget supports the normal day to day administration of the office, and funds the implementation of activities in the Business Plans and budget narratives service targets. The Payroll covers the salary personnel entitlements.

Table 5: Final Budget Against Actual

Justice Agencies	Budget	Total Expenditure	Balance Remaining Or Overspend
Cabinet	41,855,644	46,240,910	-4,385,266
Coporate Service Unit	36,998,488	37,661,080	-662,592
Women's Affairs	36,561,512	36,388,945	172,567
Correction Services	186,011,830	185,246,091	765,739
Lands Management Office	20,100,755	21,325,154	-1,224,399
Vanuatu LAW COMMISSION	15,355,435	15,511,366	-155,931
Total	336,883,664	342,373,546	-5,489,882

Savings made in 2015 was only 13% compared to the overspend that amounted to 87% of the total (see Graph 6) . In 2015, there was an overspend of VT 6,428,188, of that, 97% was incurred primarily by the MJCS's Cabinet and CSU and the CLMO. Overspend results from the unbudgeted expenditure such as unbudgeted review of the Official Salaries Act, Land Reform Act, and Customary Land Management Act. Additionally, there were some changes to benefits and allowances that weren't budgeted for.

Graph 6: Budget Overspend and Underspend in 2015



Political fluidity remains a consistent trend in the Ministry. In 2015, the MJCS saw four Ministerial changes. Gratuity payments made to the outgoing Ministers amounts to a total of VT3, 785,991. This was budgeted for and so there was no overspend in this compared to previous years, however leave entitlement were not budgeted for and resulted in an overspend of VT 2,289,200.

PAYROLL EXPENSE

Payroll makes up 69% of the total budget. In 2015, payroll overspend amounted to a total of VT 6, 897, 408. The following is a breakdown of the overspend:

- Approximately 64% of the overspend amount is incurred by the Cabinet in the MJCS. The overspend are primarily on personal entitlements such as allowances that were not budgeted for during that financial year. The unbudgeted and budgeted allowance can be the result of amended Official Salaries Act.
- The Corporate Service Unit incurred an overspend of VT 2,474,623 on unbudgeted payroll. This is incurred from Acting Allowance of VT 635,563 of Officers under the revised CSU Approved Structure of 2014. Additionally, unbudgeted contract wages costed CSU a total of VT 1,839,060. Housing Allowances and VNPF was also over spend by VT 111,533.
- Customary Land Management payroll had an over spend of VT1, 500, 773. The over spend is a result of Land Legislative review under the Customary Land Management Act and the increase in salaries under the revised CLMO structure. Additional staff were recruited which brought about an over spend of VT 2,457,730 on wages and VT 2,323,239 on allowances.

- The Vanuatu Law Commission had an over spend in salaries amounting to VT 2,417,741 and on allowances VT 86,433. . A Virement from Operations to Payroll catered for the Overspend thus reducing it to VT 236,366 by year end.

Table 6: Payroll Budget Against Actual

Justice Agencies	Budget	Expenditure	Balance Remaining/ Overspend
Cabinet	36,010,054	40,450,794	-4,440,740
Corporate Service Unit	13,559,631	14,279,160	-719,529
Women's Affairs	19,507,365	19,353,987	153,378
Correction Services	138,366,151	137,942,902	423,249
Customary Land Management Office	17,007,872	18,508,645	-1,500,773
Vanuatu Law Commission	9,492,122	9,728,488	-236,366
Total	233,943,195	240,263,976	-6,320,781

OPERATIONAL EXPENSE

Operational expenses consumed 31% of the total budget. In comparison with the budget, the total expense has an under spend of 1% of the operational budget. This is a result of a good monitoring of the operational budget.

Table 7: Operational Budget Against Actual For 2015

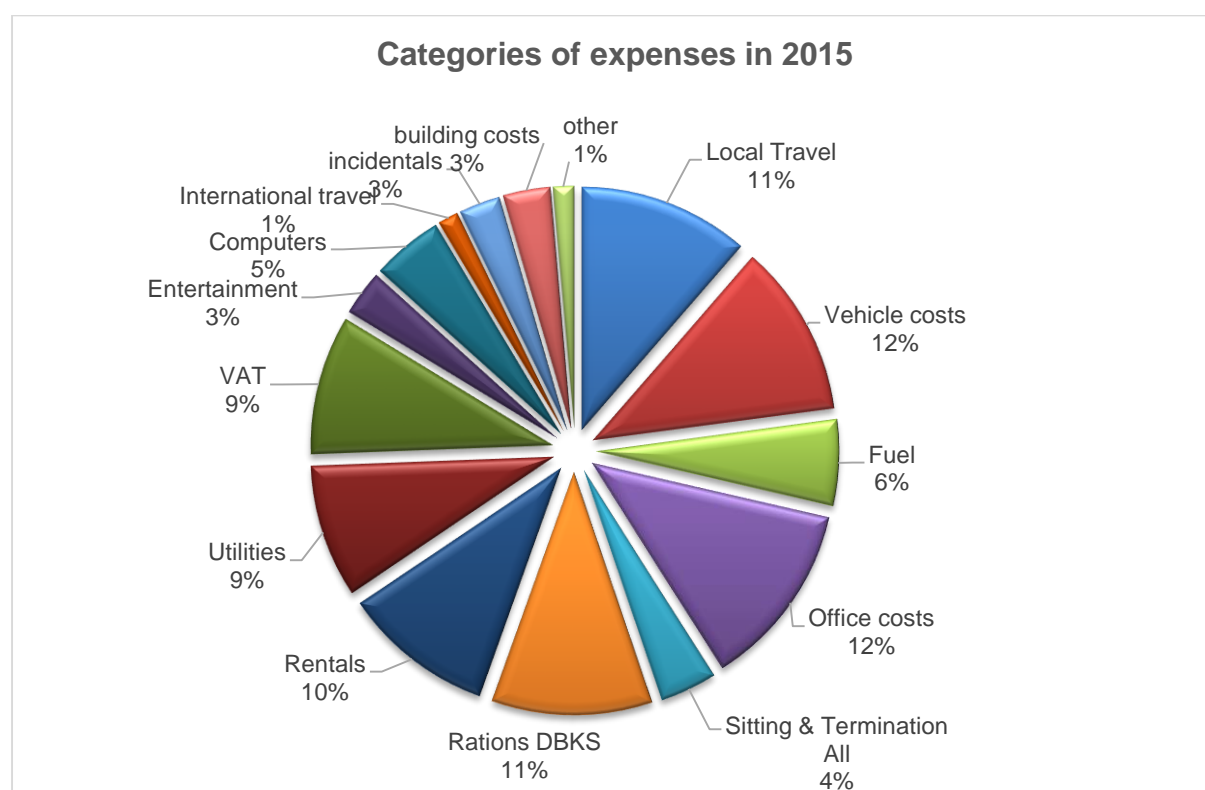
Justice Agencies	Expenditure	Budget	Remaining Balance / overspend
Cabinet	5,845,590	5,790,116	(55,474)
Corporate Service Unit	23,438,857	23,381,920	(56,937)
Women's Affairs	17,054,147	17,034,958	19,189
Correction Services	47,645,679	47,303,189	342,490
Lands Management Office	3,092,883	2,816,509	276,374
Vanuatu Law Commission	5,863,313	5,782,878	80,435
	102,940,469	102,109,570	

The core items expended on (see Graph 7):

- Rations Suppliers- This is the highest budgeted item with the highest consumption in the Department of Correctional Service which amounts to 11% of the total expenditure budget.
- Fuel – The Budget is 6% of the annual budget, however, only 5% was spent on fuel in 2015. The Department of Correctional Service has the highest fuel consumption, with VT 138,042. This is due to the work of the Correctional Centres in the two towns as well as in the provinces.

- Value Added Tax – The budget for VAT is 9% of the operational budget. In 2015, VAT was overspent by 1%.
- Office Rental – Rental costs are 10% of the Operation budget. In 2015, rental underspend by VT 1,733,372 (1%). The Cabinet Office has a balance remaining of VT 1,288,888 however the CSU have an over spend of VT 1,405,801. This overspend is the payment made for Cabinet Office Rental and outstanding bills in 2014.
- Vehicle Purchase – This is unbudgeted and it consumed 6 % of the Annual budget.
- Overseas trips – Only 90.5% budget for international trip was spent in the year.

Graph 7: Categories of Expenditure



Our Donor partners have supported us to achieve a number of our activities, particularly supporting our community programs. Table 8 shows our donor partners support in 2015. These figures are what is known, but there might be figures that aren't acknowledged in the table. The figures also do not take into account UN funding towards our activities on the ratified human rights conventions.

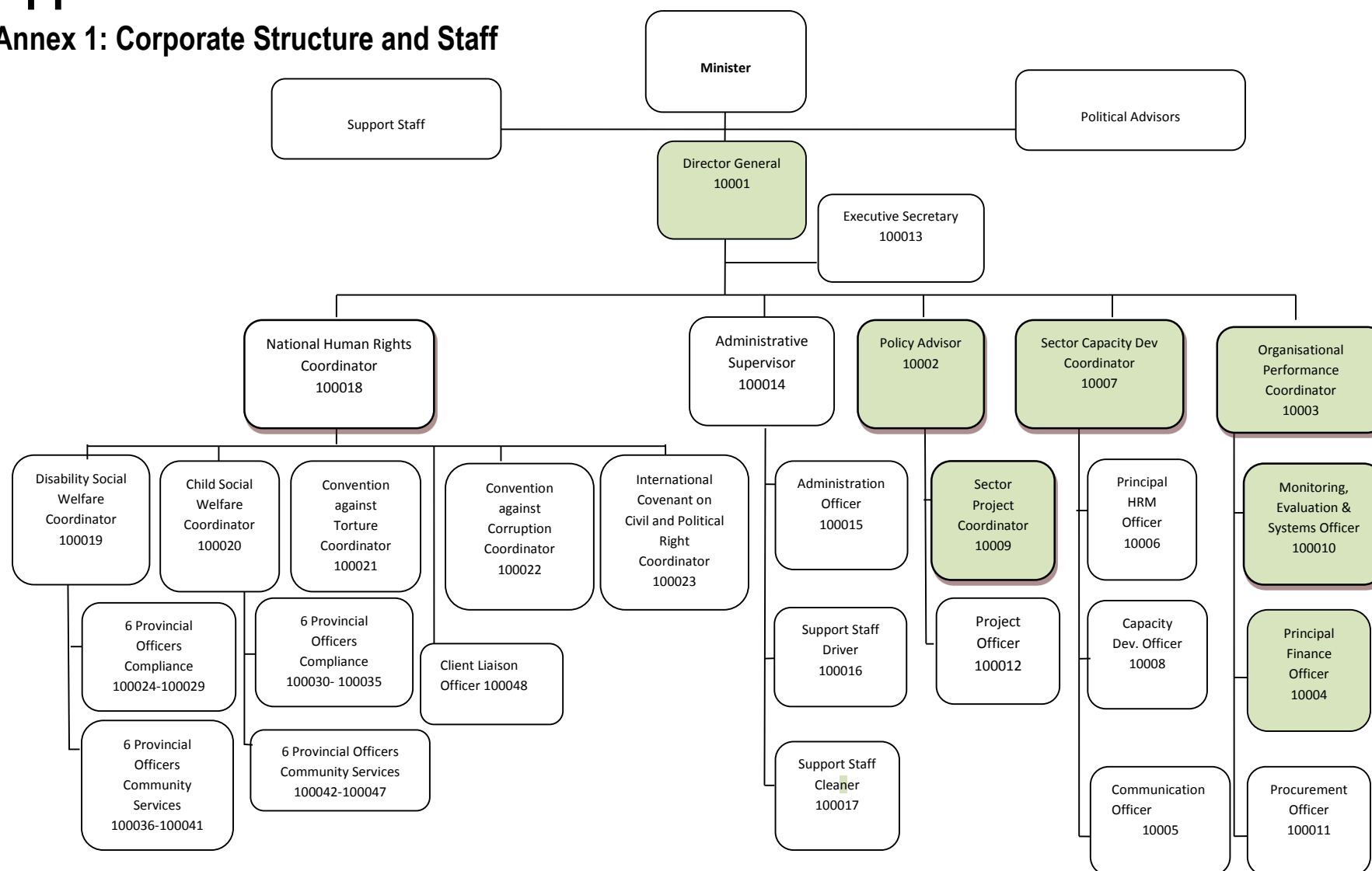
Table 8: Donor Partner Support in 2015

Donor Partner	Program	Amount
UNICEF	Child Protection Pilot Program	2, 749,248
New Zealand Ministry of Foreign Affairs and Trade	Correctional Services Program	21,201,422
Stretem Rod Blong Jastis	Customary Land Management Activities	1,500,000
	Provincial Disability Committee	639,889

	DWA Rural Women's Economic Empowerment	570,380
	DWA AP and RC piloting	1,095,167
	Direct Advisory Costs	5,034,960
Vanuatu Land Program	Land Reform Activities	2,000,000
	Total	32,041,818

Appendices

Annex 1: Corporate Structure and Staff



Annex 2: Ministry of Justice and Community Services CSU Staff

Title	Occupant	Gender	Language	Island	Status
Director General	Mark Bebe	Male	Anglophone	Pentecost	Contract
Policy Advisor	Setariki Waqanitoga	Male	Anglophone	Fiji/Pentecost	Probation
Organisation Performance Coordinator	Pacco Siri	Male	Anglophone	Santo/Tonga	Permanent
Principal Finance Officer	Cynthia Malachi	Female	Anglophone	Efate	Permanent
Principal Human Resource Management Officer	Hosea Tally	Male	Anglophone	Maewo	Acting
Capacity Development Coordinator	Louise Nasak	Female	Anglophone	PNG/Tanna	Probation
Monitoring, Evaluation & Systems Officer	Josiana Jackson	Female	Anglophone	Ambae	Permanent
Sector Project Coordinator	Joe Massing	Male	Anglophone	Ambrym	Probation
Support Officer (Administration)	Angela David	Female	Anglophone	Tonga	Contract
Support Officer (Finance)	Morris Kerry	Male	Anglophone	Malekula	Contract
Support Officer- (Driver)	Robinson Rono	Male	Anglophone	Pentecost	Contract
Support officer(Receptionist)	Elisa Kalo	Female	Anglophone	Ambae	Contract
Procurement Officer	Vacant				
Executive Secretary	Vacant				
Administrative Supervisor	Vacant				
National Human Rights Coordinator	Vacant				
5 Conventions Coordinators	Vacant				
12 Provincial Community officers	Vacant				
12 Provincial Compliance officers	Vacant				
Client Liaison Officers	Vacant				
Capacity Development Officer	Vacant				
Communications Officer					