

ANNUAL REPORT 2016



**Ministry of Justice
& Community Service**



Contents

<i>Acronyms</i>	5
Foreword	6
By the Minister of Justice and Community Services	6
About us	10
<i>Our Vision</i>	10
<i>Our Mandate</i>	10
<i>Human Resource Management</i>	11
<i>Our Staff – “the Hub”</i>	11
<i>Our Development Partners (Donors)</i>	12
<i>Our Sector Agencies</i>	12
<i>Our Priorities</i>	16
A. <i>Priority Action Agenda (PAA), Planning Long Acting Short (PLAS) and the Millennium Development Goals (MDG) –</i>	18
<i>(National Sustainable Development Plan (NSDP) 2016 – 2030)</i>	18
B. <i>Government’s 100 Days Priority Plan</i>	22
C. <i>United Nations Conventions</i>	24
D. <i>Justice and Community Services Sector Strategy (JCSSS) 2014 -2017</i>	26
Our Efforts towards Delivering Services	36
<i>Ministerial Portfolio</i>	36
<i>Corporate Services Unit (CSU)</i>	38
<i>Department of Correctional Services (DCS)</i>	42
<i>Department of Women’s Affairs (DWA)</i>	47
<i>Child Desk</i>	53
<i>Disability Desk</i>	59
Our Constitutional Bodies Delivery of Services	62
<i>Malvatumauri Council of Chiefs (MCC)</i>	62
Our Statutory Bodies Delivery of Services	66
<i>Customary Lands Management Office (CLMO)</i>	66
<i>Office of the Land Ombudsman</i>	72
<i>Vanuatu Law Commission (VLC)</i>	74
Other agencies that we support	77
<i>State Prosecutions Department (SPD)</i>	77
Our Finances	80
Appendices Annex 1: Corporate Structure and Staff	86
Annex 2: Ministry of Justice and Community Services CSU Staff	87

List of Tables

<i>Table 1: Justice Sector Agencies Summary</i>	12
<i>Table 2: Our progress towards implementing the PAA and PLAS</i>	18
<i>Table 3: Government's 100 Days Priority Plan</i>	22
<i>Table 4: Our Progress towards implementing the Ratified United Nations Conventions</i>	24
<i>Table 5: JCSSS Monitoring and Evaluation Plan</i>	27
<i>Table 6: Final Budget Against Actual</i>	81
<i>Table 7: Payroll Budget Against Actual</i>	82
<i>Table 8: Operational Budget Against Actual</i>	84

List of Figures

<i>Figure 1: Our Structure</i>	15
--------------------------------	----

List of Graphs

<i>Graph 1: Our (CSU) Progress Overall</i>	38
<i>Graph 2: Budget Break-down, 2016</i>	80
<i>Graph 3: Budget Overspend and Underpend in 2016</i>	81
<i>Graph 4: Justice Agency Payroll Actual to Budget</i>	83
<i>Graph 5: Categories of Expenditure</i>	85

Acronyms

AP	Authorised Persons
CCPC	Community Child Protection Committee
CEDAW	Convention on Eliminating Discrimination Against Women
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
FBOs	Faith Based Organisations
FPA	Family Protection Act
GRB	Gender Responsive Budgeting
HoAG	Heads of Agency Group
HRM	Human Resource Management
JCSSS	Justice and Community Services Sector Strategy 2014-17
LMPC	Land Management Planning Committee
MC	Magistrates Court
MCC	Malvatumauri Council of Chiefs
MJCS	Ministry of Justice and Community Services
NGOs	Non Government Organisations
NHRC	National Human Rights Committee
NSDP	National Sustainable Development Plan
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
RCs	Registered Counselors
SCV	Supreme Court of Vanuatu
SLO	State Law Office
SMART	Specific, Measurable, Attainable/Achievable, Relevant and Timebound
SOP	Standard Operating Procedures
SPD	State Prosecutions Department
SRBJS	Stretem Rod Blong Jastis mo Sefti
UNDP	United Nations Development Program
UNCRC	United Nations Convention on the Rights of a Child
UNCPRD	United Nations Convention on People with Disabilities
UNICEF	United Nations Children's Emergency Fund
VLC	Vanuatu Law Commission

Foreword

By the Minister of Justice and Community Services

It gives me great pleasure to present the 2016 Annual Report for the Ministry of Justice and Community Services (MJCS). Each year the MJCS compiles its Annual Report. This Report summarises the MJCS's commitment to advancing its vision. That vision which is shared with sector agencies is to have a *Just, Safe, Dignified, and Respectable Society for Everyone*. This Report incorporates individual reports from sector agencies that provide an overview of achievements and challenges of our integrated justice and community services sector.

As a Ministry we play a vital role in coordinating a complex group of partners and stakeholders that includes constitutional and statutory bodies, development partners, Non-Government Organisations (NGOs), Faith Based Organisations (FBOs) and communities, in the implementation of national priorities and international commitments related to law, justice and community services.

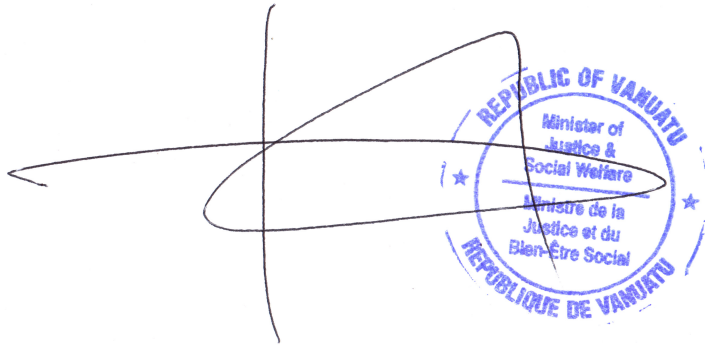
The Ministry is responsible for supporting the strengthening of justice and community services delivered to the people of this nation. It does this through sound and timely policy directives, intended to support effective and accessible justice that upholds the fundamental principles of equality, fairness and commitment to the rule of law, while protecting the dignity and rights of people.

Major achievements through collaborative effort with sector agencies, development partners and stakeholders have included:

- The successful prosecution of the Florance Lengkon Case in early 2016.
- Establishment of the Justice Sector Leadership Forum under the chairmanship of his Honour, Chief Justice Lunabek.
- Groundbreaking for the new Juvenile Correctional Service Unit in Luganville.
- Launching of two important policies - Child Protection Policy and National Gender Equality Policy
- UN Reporting in Geneva for CEDAW, UNCRC, UNCRPD.
- Progressing the implementation of the Victims' Support and Juvenile Justice sector strategies under the JCSSS.

I also wish to take this opportunity to thank our partner Government Ministries and line Departments, our Civil Society Partners & Faith Based Organisations and our Development Partners for their continuous support, cooperation and partnership with the Ministry during 2016.

Your successes are the Ministry's successes and your challenges are the Ministry's challenges and together we can continue to progress our shared vision for the benefit of our people in 2017 and the years to come.

A handwritten signature in dark ink is written over a circular official stamp. The stamp is blue and contains the text "REPUBLIC OF VANUATU" at the top and "REPUBLICQUE DE VANUATU" at the bottom. In the center, it reads "Minister of Justice & Social Welfare" and "Ministre de la Justice et du Bien-Etre Social". There are two small stars on either side of the central text.

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

By the Director General

The Ministry of Justice and Community Services (MJCS) has had another successful year in 2016 amidst the challenges.

Our focus this year has been two-fold; inward and outward. In looking inwards, we have sought to make significant improvements in the operation of the MJCS corporate services team (the 'hub'), particularly in the provision of its services to agencies and stakeholders. This has required ensuring effective strategic alignment between individual work-plans, the MJCS Corporate Plan and the National Sustainable Development Plan finalised in 2016. The MJCS continues to strive to deliver quality services and support to our sector agencies.

Our outward focus has primarily aimed at supporting capacity for individuals and institutions within our sector as a means of strengthening services. This capacity development has included support in financial management, human resource & performance management, business plan reviews and development of business plans for the following year (2017), policy advice to the sector agencies and introduction to monitoring and evaluation concepts & SMART indicators

Some of our highlights for 2016 had been the launching of two important policies; the National Child Protection Policy and the National Gender Equality Policy, both significant milestones for the MJCS and critical platforms that are intended to underpin the advancement of issues related to children and women in Vanuatu.

Other significant achievements in collaboration with sector agencies over 2016 have included: the completion of the Malvatumauri Council of Chiefs' Nakamal, near completion of the Luganville Correctional Services Facilities; the implementation of the case management systems for Office of the Public Prosecutor and the State Prosecution Department; budget increases for the MJCS hub team, the National Child and Disability Desks and the Cabinet; establishment of the Justice Sector Leadership Forum under the chairmanship of his Honour Chief Justice Lunabek; launching of the Conflict Management and Access to Justice in Rural Vanuatu research in Malekula; approval of recommendations to advance the Victims' Support Strategy.

Equally important has been the finalising and submission of reports of our United Nations Human Rights commitments which included UNCEDAW and its two Optional Protocols, UNCRC and two Optional Protocols and the UNCRPD Reports.

All of the achievements and successes would not have been possible without the commitment and support of all the sector agencies, stakeholders, development partners and the Government of Vanuatu.

I would like take this opportunity to thank all of those who have supported us in making such significant progress over 2016 and I look forward to continuing to advance our key priorities over the coming year and beyond.



Pacco Siri (Mr)
Acting Director General
Ministry of Justice and Community Services

About us

Our Vision

The Ministry's vision is set out in the Justice and Community Services Sector Strategy (JCSSS); *'Jastis, Sefti, Digniti mo gud Fasin blong Evriwan.'* (Just, Safe, Dignified, and Respectable Society for Everyone)

Our Mandate

The MJCS is responsible for, or provides support to a number of agencies within the justice sector, largely comprising of Constitutional and Statutory bodies that each have their own mandates such as: 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 laws, 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 Council of Chiefs
Ombudsman's Office (reports to the Prime Minister's Office)
Vanuatu National Cultural Council
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

Human Resource Management

Our Staff – “the Hub”

Our Corporate Services Unit (CSU) also known colloquially as ‘the hub’ supports the Office of the Director General, and the MJCS’s Cabinet staf; coordinates development partner support; supports cross sector agency collaboration; and provides key services to the Departments within the Ministry as well as Constitutional and Statutory Bodies and other agencies who have functional relations with the Ministry. Annex 2 contains the MJCS’s staffing information.

The current CSU structure approved in 2014 has a total of 48 positions. However, due to the Ministry’s current payroll budet allocation only 11 of those approved positions are currently filled.

The MJCS was very fortunate in 2016 to have most of the key positions within the ‘hub’ filled. The following positions were made permanent in 2016 with support from the Stretem Rod Blong Jastis (SRBJ): Policy Advisor, Sector Capacity Development Coordinator, Organisational Performance Coordinator and the Sector Project Coordinator. The MJCS continues to engage the service of four support officers on contract basis to assist with the administration of the Office.

In 2016, the MJCS engaged the support of two Australian Volunteers for International Development (AVID) who supported the Child Desk and the Disability Desk respectively. Both volunteers served their one year contracts supporting the work of the two Desks and returned home to Australia at the end of 2016.

The acting Principal HRM Officer resigned in October to join another Ministry and the role was left vacant for the rest of 2016. The recruitment process for the role began late 2016 and is anticipated to be completed in April 2017.

In addition, the Monitoring and Evaluation (M&E) Officer resigned after 4 years of dedicated service to the Ministry and the sector agencies. In September 2016, a new M&E Officer was recruited and continue to provide this support.

The two Desks (Child Protection Desk and Disability Desk) now have their budgets under the MJCS. Reporting lines are in accordance with the corporate structure for the two Desks being to the National Human Rights Coordinator (NHRC), however whilst the the NHRC position is vacant, the Desks report directly to the Director General.

Our Development Partners (Donors)

The MJCS recognises that the delivery of excellent, quality and timely service is at times dependent on the response and cooperation from our developments partners and sector agencies.

Since its inception on the 6th of August, 2008 the MJCS has had ongoing support from development partners. The key development partners have been the Government of Australia, the Government of New Zealand, the United Nations through its UN Agencies as well as our regional bodies such as the Pacific Island Forum Secretariat.

The Australian Government funded program, Stretem Rod Blong Jastis has supported the MJCS and the sector since 2012 and concluded at the end of 2016. The Government of Vanuatu and the Government of Australia agreed to continue the collaborative support for the sector with a second phase of the Stretem Rod Blong Jastis and Sefti program, designed to support policing, justice and community services until the end of 2020.

Infrastructure for the Department of Corrections received major funding support from the Government of New Zealand under the Vanuatu Correctional Services Partnership (VCSP) program. This funding arrangement has been ongoing since 2005.

The United Nations (UN) through its two UN Agencies; UNICEF & UNDP, has also contributed largely to the programs the Ministry was able to deliver in 2016 through the Child Desk and Gender & Protection Cluster Project coordinated by Department of Women's Affairs (DWA).

Our Sector Agencies

The MJCS's ambit of responsibilities are broader than most in Government; reaching into national human rights obligations; legal representation; law reform, legal policy, land management; custom; culture; corrections, women's affairs and more.

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

Below is a summary of our partner agencies' mandates and the resources we had in 2016 to support and delivery of justice and community services to our people.

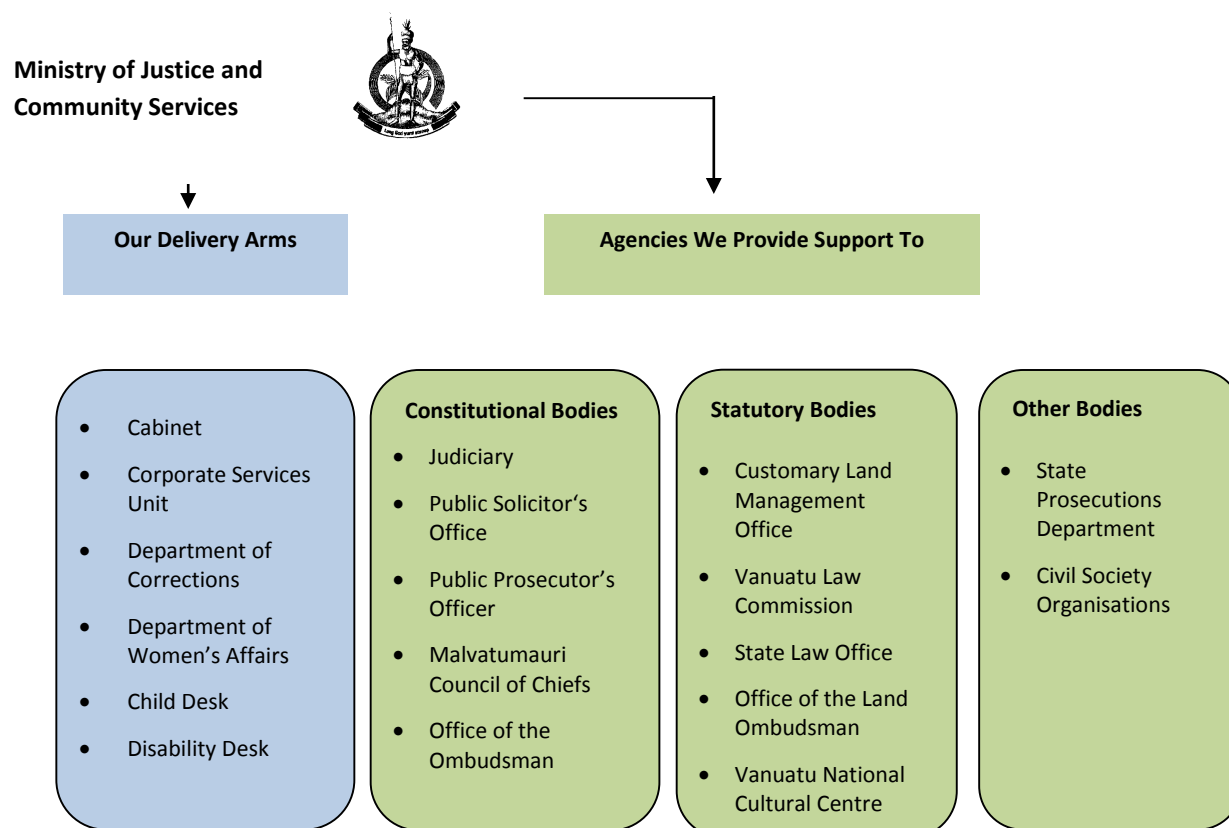
Table 1: Justice Sector Agencies Summary for 2016

Service Delivery Arms	Responsibility	Recurrent Budget	Development Partner Support	Staff
Ministry of Justice and Community Services		351,837,089		
Ministerial Portfolio	Provide policy direction on the priorities of the government of the day.	2016 71,710,590		19 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	2016 31,100,371		10 Staff: 7 permanent, 3 contract 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.	2016 36,799,825		17 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.	2016 195,370,484	21,201,422	113 permanent staff 35 contract
Child Desk	Strengthening national planning, integrating the international goals (United Nations Convention on the Rights of the Child), developing a system of protection of children and support community efforts to prevent child abuse.	2016 2,000,000		2 staff
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.	2016 4,000,000		3 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.	Administration of Justice	53,376,000 (Supreme Court)	
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.	2016 196,184,879		
Magistrate Court	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>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.	2016-29,463,144	8 Staff
Vanuatu National Cultural Council	The VNCC is the newest inclusion to the Ministry's sector agency that has come in under the armpit of the MJCS, where previously was under the Ministry of Internal affairs. The VNCC is responsible for Preserving, Promoting and Protecting the rich Vanuatu cultural heritage for today's and the future generation and for showcasing to the world.	Budget not known	
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.	2016 43,303,900	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.	2016 56,404,505	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.	2016 110,022,877	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 the official languages for the benefit of the people of Vanuatu.	2016 36,503,195	Provides a report to the PMO 15 Staff
Vanuatu Law Commission	Study and keep under review the laws of Vanuatu	2016 15,455,435	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.	2016 32,500,755	VLP -2,000,000 SRBJ- 1,500,000 14 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.	Dependent on CLMO budget.	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	Dependent on PPO and VPF budget	13 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 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. In addition, the MJCS drives the 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.

The effective implementation of the sector's strategic priorities requires coordination and collaboration between relevant sector agencies, partners and stakeholders with sustained commitment for their achievement.

Key priorities that the MJCS focused on under the strategic themes of the Corporate Plan included:

1. Good Governance:

- Continued to provide secretariat support to the sector agencies through the HOAG which was later changed to Justice Sector Leader's Forum (JSLF) in November 2016. Maintained effective collaboration with and amongst the agencies we work with and support.
- Continued to provide secretariat support to the National Human Rights Committee in carrying out their duties to ensure the government's international commitments in human rights are met.

2. Team Work:

- Supported in-house 'hub' and sector agencies with capacity development needs identified as priority areas, targeting abilities, skills and knowledge of individuals and institutions in areas of financial management, human resource, business planning, monitoring & evaluation, infrastructure and policy directions.
- Increased understanding of each unit, department, agencies role and functions and creating enabling environment where individuals and organisations can reach up to the Ministry 'hub' and across to sector colleagues for support.

3. Partnership:

- Continued to build on existing donor partnerships with the Government of Australia through the Policing and Stretem Rod Blong Jastis, the United Nations organisations such as UNICEF and UNDP, and the Government of New Zealand through the Vanuatu Correctional Services Partnership (VCSP) program.
- In its ongoing relations with PSC, the MJCS has seen an increase in staff awareness of linkages between the NSDP → JCSSS → Corporate Plan → and Individual Work-plans. Understanding these linkages and how they relate to

performance outcomes has been a big step towards increasing staff understanding and creating a sense of ownership and pride in their work.

- Increased collaboration with the M&E Unit, PMO over the development of NSDP Indicators & targets and Six Monthly Reporting on the COM Decisions and Projects over 10million Vatu.

4. Policy Collaboration

- Important milestones for the MJCS achieved when the National Child Protection Policy and the National Gender Equality Policy were launched in November 2016.
- Support for the amendment of the Public Solicitor's Act, the Penal Code, the VLC Act, the Customary Land Management Act, Chief's Act
- The Ministry through the Policy Advisor continues to work with sector agencies on their policy priorities and progress them to COM for decisions.

5. Service Centric:

- As a Ministry, we have striven to deliver at the highest level possible to our clients, the sector agencies and the communities with whom we work. We have supported our sector agencies with capacity development initiatives in financial management, human resource management, business planning, annual reporting, policy advisory, monitoring & evaluation support.

6. Transition:

- The aim of the Ministry is to be able to fully fund key positions within the corporate service unit which are currently being co-funded by the SRBJS Program, Ministry submitted an NPI for increased funding for this purpose however, and this was not approved in 2016.
- The MJCS has made progress in becoming a ministry that is service centric with professional customer services. This is realised through its pro-active approaches and having planned activities, essentially moving away from being reactive to matters arising from within 'the hub' and with the sector agencies. Sector agencies are gradually becoming aware of what support is available from the 'hub' and support is sought when needed.

Our Efforts on High Level Commitments

A. Priority Action Agenda (PAA), Planning Long Acting Short (PLAS) and the Millennium Development Goals (MDG) – *(National Sustainable Development Plan (NSDP) 2016 – 2030)*

In November 2016, the Government of Vanuatu achieved an important milestone when it launched the National Sustainable Development Fund (NSDP) 2016 – 2030. Vanuatu 2030 – The People's Plan as it is also called, is the Government's highest national planning document for the next 15 years. The NSDP supersedes but builds on the Priority Action Agenda (PAA) 2006-2015 and the Planning Long Acting Short (PLAS) 2013-2016 national government development plans. The previous documents cover indicators that are consistent with the Millennium Development Goals (MDGs) including the promotion of gender equality and empowerment of women.





The first Development Aspirations of the National Sustainable Development Plan 2016-2030 succinctly encapsulates and re-affirms the MJCS's overall long-term vision.

- ***A vibrant cultural identity underpinning a peaceful, just and inclusive society***







For the purpose of this 2016 Annual Report, we have built on the summaries for each of the indicators in the PAA Policy Outcome 3.2, 3.4 and PLAS from the 2015 Annual Report. The 2016 Annual Report has not reported on the NSDP Indicators as at the time of preparing this report the NSDP Indicators were not yet finalised by the M&E Unit, PMO.

The table below describes our progress in 2016 towards achieving the output indicators in these documents.







Table 2: Our Progress towards implementing the PAA and PLAS¹

Policy Outcome 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.

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

Case throughput rate in PPO, SPD, PSO and SLO ²		<p>Case and data management systems have been set up in all the 4 offices mentioned in this indicator i.e PPO, SPD, PSO and SLO through the support of the DFAT funded SRBJ program. Since the systems establishments data has been generated from each of the offices with varying degrees of quality and accuracy.</p> <p>During consultation with the Technical Advisor (TA) supporting the management of Case Management Systems through SRBJ, the Ministry is advised that there is currently a review of the different systems within the justice sector as the TA looks at the quality and consistency of data across sector agencies. 2017 Annual Report will be able to share progress reports of data across the justice sector agencies.</p>
New correctional facility built.		<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>Major activities in 2016 also included:</p> <ul style="list-style-type: none"> • Huge strides in infrastructure development particularly with the construction of the New Luganville Correctional Center. In December 2016 the project was at 67% complete with progress according to work-plans and schedules. This being a huge success for all stakeholders to implement a project of such scale in Luganville using a local contractor and complying with international standards. • Additionally, DBKS had developed designs and costing for the construction of a New Juvenile Center in Luganville with expected construction planned for second half of 2017. • Maintenance continues to be managed in a successful manner with improvements in governance and implementation at all levels in reporting and repairing. Without the Extra Budgetary Support (EBS) provided by MFAT under the VCSP a lot of the works could not have been achieved.
New court house built		<p>A COM Paper was tabled in May 2016 which gave approval for the revocation of former Hall of Justice Task Force (HJTF) and approval for Prime Minister to appoint new HJTF which comprises of core Ministries. The appointment has been done with a new TOR to guide the Task Force.</p> <p>Funding for the 'Hall of Justice' is secured and work will begin in 2017.</p>
Backlog of court cases pending		<p>During consultation with the Technical Advisor (TA) supporting the management of Case Management Systems through SRBJ, the Ministry is advised that there is currently a review of the different systems within the justice sector as the TA looks at the quality and consistency of data across sector agencies. 2017 Annual Report will be able to share progress reports of data across the justice sector agencies.</p>
Malvatumauri Act reviewed and approved by Parliament		<p>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.</p>
Land Tribunal Act reviewed and approved by Parliament;		<p>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</p>








² Provided by SRBJ

		<p>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.</p> <p>In 2016 the office progressed through educating communities about the processes to progress land cases and particular attention was placed on training chiefs and adjudicators in how to deal with land disputes in accordance with the CLMA.</p>
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>In 2016, 30 cases were reported and referred from the 2 pilot sites in Tafea. This is an indication of a user friendly system that the communities are aware off, comfortable and confident to use.</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. 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> <p>In 2015, the pilot was transferred to the MJCS and in 2016 with support from the SRBJ Program, funded three (3) positions to progress the AP pilot program activities. With the 3 pilot project staff on board It is anticipated for activities to kick start in early to mid 2017.</p>
Human Rights Commission established.		<p>A National Human Rights Committee (NHRC) was established in 2014. This committee was launched in 2014. The NHRC has since assisted the MJCS to establish the Human Rights Commission in due course.</p> <p>Some important milestones were achieved through support from the NHRC in 2016. For instance; Vanuatu submitted the CRC Report and 2 Optional Protocols, the CRPD Report and the formal presentation of Vanuatu's national 4th and 5th CEDAW reports to the UN CEDAW Committee on 24th February, 2016 which highlighted the progresses and challenges on advancing women's human rights and development since its last report in 2007.</p>
Number of qualified lawyers recruited by the Law reform commission³		<p>In 2015, there were five (5) qualified lawyers employed by the Vanuatu Law Commission</p> <p>This figure increased to 6 in 2016, despite an increasing need for the office to have additional legal officers. VLC has requested the government/MJCS to look into the agency's human resource issue.</p>
Number of Public Solicitor Offices in the Province		<p>There are 4 Offices in the Malampa, Tafea, Shefa and Sanma Province. These offices are located on Malekula, Tanna, Efate and Santo.</p>
Number of public prosecution Offices in the provinces.		<p>There are two Offices of PPO, located in Shefa Province and Sanma Province, namely Efate and Santo.</p>
% of disputes settled through CLTs⁴ which are appealed		<p>In 2015, 46% of cases⁵ managed through the new Act were appealed to a higher Court, 18% are pending outcomes and 36% were settled.</p> <p>In 2016, CLMO dealt with more than 201 cases through the new Act, the CLMA.</p>

³ The Law Reform Commission is now known as the Vanuatu Law Commission.

⁴ Implemented under the new CLM Act










⁵ There was a total of 11 cases heard under the new Customary Land Management Act in 2015.











Family protection Act reviewed		<p>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 with the DWA, however, by the end of 2015, its oversight was transferred to the MJCS.</p> <p>Towards the end of 2016, with support from the SRBJ Program, 3 project coordinators were recruited to begin implementation anticipated by early to mid-2017. The officers are located at the Corporate Service Unit of the MJCS.</p>
PO 3.4 To promote gender equality and empowerment women		
Indicators	Comments	
% of women in wage employment in the non-agriculture sector		<p>48% in the Services Sector 17% in the Industry Sector (These figures remains the same as in 2013) – No changes had occurred in 2016</p>
% of women in positions of DGs, SGs, Clerks, and Directors in Public Service		<p>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.</p>
% of Women in Parliament, Provincial and Municipal Council		<p>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. In 2016, DWA prepared and lobbied with the political parties for the inclusion of women candidates at the Provincial Elections in 2017.</p>
Number of gender programs in Gov Ministries		<p>In 2013, there were 7 out of 11 Government Ministries carrying out a number of gender programs. No stock take was undertaken since then.</p> <p>In November 25th, 2016, the country achieved an important milestone when the Prime Minister launched the first National Gender Equality Policy for 2015 – 2019 as part of the International Day on the Elimination of Violence against Women and Girls celebrations in Port Vila. This historical five years policy outlines the Gender Equality Road Map for Vanuatu and allows for greater role for Government’s leadership in the coordination of implementation and monitoring of the policy.</p>
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. Government's 100 Days Priority Plan

After February 2016, the Salwai led coalition government developed the Government's 100 Days Priority Plan that captured what it resolved to deliver and achieve in the first 100 Days of its leadership. Out of the seventeen (17) priority activities pertaining to the MJCS, 5 were completed, 10 progressed to some degree and are on-going and only 2 were overdue but will be commenced in 2017. Documented below are progress of each of the priority activities that the MJCS and its sector agencies are responsible for.

Table 3: Government's 100 Days Priority Plan

Key			
	Completed		On Track/Ongoing
	Overdue		
Priority Activities	Implementing Body	Tracking	Statement of Progress
Erangorango Rehabilitation Program	DCS/MJCS		The Rehabilitation Program is funded by NZ MFAT for the Erangorango Farm and work is expected to start in February 2017. Plans are underway to allocate plots to farm potatoes besides other root crops and vegetables. A shed will be built with water and road connecting to the farm.
Reactive Project Management Committee for the New Hall of Justice.	MJCS		A COM Paper was prepared and new taskforce appointed and the Project Management Committee for the Hall of Justice has been reactivated. The project is expected to start in 2017. DESPAC had included Funding Request to China for next funding program – this is now for the actual building.
Courts has scheduled all its Outer Island Tour for 2016	Courts/MJCS		In progress - According to the New Project Initiative (NPI) – PPO, PSO and Courts had planned for Outer Island Tours in their 2016 budgets.
Pilot Project on Crime and Impacts of Crime Project at Black-sands Area.	Police & MJCS		In August/September 2015, a research was conducted as the first Phase of the project. Work is currently being done on finalising the research findings into a report which will also inform the basis for developing activities for the pilot project "Crime and Impacts of Crime Project" at Black-sands area. A team of three pilot project coordinators have been recruited to coordinate the implementation of activities for the pilot project.
Pilot Program on Domestic Violence – Pilot program on Authorised Person in Fanafo, South Santo and Malo and Efate.	DWA/MJC		The Authorized Persons is a pilot project that is supported through the Australian funded SRBJ Program. A research was done in 2015/2016 and findings were documented and published in July 2016 awaiting to be disseminated to the Government and Donor partners. Authorised persons have been appointed for Fanafo, Malo, South Santo and two other sites in Port Vila. The project however, faces challenges due to lack of police presence in most of the rural communities. The SRBJ Program has supported this pilot with the recruitment of 3 officers towards the end of 2016 to focus on the Authorised Person pilot program. Activities are anticipated to begin in early to mid-2017.
Review medical conditions of all detainees	DCS/MJCS & MoH		Reviews on detainees' medical conditions is an ongoing activity that the Department of Corrections collaborates with the Ministry of Health to carry out. In 2016, there were 6 detainees living with major health problems and in custody at low risk unit. Some of them have been in and out of VCH, and some have been through private doctors. One detainee was

			admitted for heart operation as of 6/12/2016. DBKS never neglects the rights of detainees on medical attentions; Care is taken not to infringe on their rights for medical services. DCS provides a 24 hour CSU Stand-by team to respond to any emergencies during the night hours.
Review the Structure of Malvatumauri National Council of Chiefs (MNCC)	MNCC/MJCS & PSC		The revised structure has been approved by PSC, and Parliament has approved VT15 million for the implementation. NPI for MNCC for 2016 Budget proposal has the details. Total cost of the full structure is VT53 million.
Recruitment of CEO of MNCC	MJCS & PSC		The position is currently being occupied by someone on an acting basis. However, legal advice is being sought from SLO and upon SLO advice the MOJCS will proceed with the recruitment process.
Increase Budget Allocations for MNCC	MJCS & MBC		An additional amount of VT15 million has been approved by Parliament. NPI Budget submission by MNCC for additional budget support would have details.
Increase Budgetary Support for Community Lands Managements Office	MJCS & MBC		An additional amount of VT10 million has been allocated by Parliament in March 2016. NPI for CLMO for budget submission has the details.
MEDIUM TO LONG TERM PLANS			
Construct Tanna Correctional Centre	DCS/MJCS		Priority has been placed on completing the Luganville Correctional Centre. Other centres have been postponed including the Tanna Correctional Centre. NZAID exits the Luganville Correctional Services Project in 2019 and the Government will need to source other funding for the Tanna Correctional Services.
Infrastructure Plan for Community Centres, catering for Police, Chiefs, Women, Children and Disability Offices.	MJCS		The Sector Infrastructure Plan draft has been completed with support from the SRBJ Program. The draft is being circulated within the Ministry for further comments. The plan is to be finalised by the end of February 2017.
Commence Implementation of the 19 resolutions of the MNCC Roadmap on land and the land management especially the identification of Customary Boundaries and documentation of traditional custom practices and laws.	MNCC/MJCS		This activity has not being progressed due to financial constraints.
Continue to promote Gender empowerment in the MJCS Sector Strategies	DWA/MJCS		This is an ongoing activity that is being progressed by the DWA and Vanuatu Women's Centre. DWA is in the forefront lobbying for and supporting women candidates for the provincial elections. The National Gender Equality Policy was launched by DWA/MOJCS in November 2016 during the 16 Days of Activism. Gender mainstreaming and integration are key focus for the department. DWA is also the lead in the Gender and Protection Cluster and has continued to advance discussions around improving gender and protection issues.
Enact Juvenile Legislation	MJCS		The Department of Corrections Service in aligning with the JCSSS Pillar No.2 "Juvenile Justice" has considered juvenile justice in its infrastructure plan. DCS had developed designs and costing for the construction of a New Juvenile Centre in Luganville which is expected to begin in the second half of 2017. The plan is completed and now awaiting funding agreement between the GoV and NZAID.
Enact time standard registration for case management	MJCS		Case Management systems have been automated and are currently ongoing with the Public Legal Institutions and supported by the SRBJ Program. The offices that are using the Case Management System are SLO, PPO, PSO, SPD and Judiciary, Ombudsman, VPF, Corrections, DWA & VWC.

Review salary of public and legal practitioners in Vanuatu in order to be able to attract, recruit and retain professionals in the legal sector.

MJCS, GRT, Judicial Services, PMO & MBC



This is a multi-stakeholder activity. Report was completed and a new Salary Structure gone for JSC and GRT Board to consider. The structure was implemented in Nov/Dec 2016.

C. 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 and with support from the National Human Rights Committee (NHRC).








We have gradually progressed some of the activities to completion, whilst with others we have started the processes and they are our current on-going activities.




A major challenge to the consistent implementation of our international commitments i.e UN Conventions has largely been financial constraints. Despite this major the constraint, the Ministry is working the National Human Rights Committee to meet our commitments.

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

Table 4: 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)	-		<p>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 2nd UPR.</p> <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> <p>The National Human Rights Committee made significant progress in 2016, in assisting with the finalisation of the CRPD, CRC and CEDAW Reports for Vanuatu and is currently working on completing the Initial Periodic Reports for UNCAT and ICCPR.</p> <p>There is still work for the NHRC to do in terms of following up with all the Ministries and Departments to ensure that annual business plans cater for all the recommendations relevant to each ministry and department.</p> <p>The NHRC is vested within the MOJCSs however the NHRC still does not have a working budget to assist the committee in carrying out its</p>

			mandate fully under its TOR. The MJCS 2017 Business Plan has catered for this.
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>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>2016 - Recommendations from the June 2014 were still pending and not implemented. A Policy Paper and a Budget have been drafted and awaiting to be submitted to COM for approval for activities to be implemented as per recommendations.</p>
International Covenant on Civil and Political Rights (ICCPR)	21 st Nov 2008		<p>Initial Report was overdue since 28th February 2010.</p> <p>This report is still overdue. There is on-going challenge of engaging full-time commitment from NHR Committee members as all have their key priorities to perform. For this report the SLO is responsible.</p>
Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)	8 th Sep 1995		<p>The combined 4th and 5th National CEDAW report was formally presented to the UNCEDAW committee on 24th February, 2016 at the UN Headquarters in Geneva, Switzerland.</p> <p>The NHRC is working on supporting implementing agencies to implement the CEDAW recommendations from the Geneva Convention CEDAW Committee.</p>
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>The Child Desk and MJCS team worked closely with the NHRC to prepare the combined (2nd, 3rd and 4th) Periodic Report (2012) on the Convention on the Rights of the Child and Optional Protocols. These reports were submitted to the UN Committee in June 9th, 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		<p>Initial Report Overdue since 2009. Draft Completed in 2013. In June 2014, the Council of Minister's endorsed this Optional Protocol Report.</p> <p>The Final Optional Protocols Report was finalised with support from the NHRC and submitted at the same time with the CRC report to the UN Committee in June 2016.</p>
Optional Protocol on Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	17 th May 2007		<p>Initial report overdue since 2009. Draft only Completed in 2014. In June 2014, the Council of Minister's endorsed this Optional Protocol Report.</p> <p>The Final Optional Protocols Report was finalised with support from the NHRC and submitted at the same time with the CRC report to the UN Committee in June 2016.</p>
United Nation Convention Against Torture (UNCAT)	12 th Jul 2011		<p>Initial report due July 2012 and is still overdue. 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 inspection of 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>Some progress has begun on the report compilation by the Policy Advisor however, there is on-going challenge of engaging full-time commitment from NHR Committee members as all have their key priorities to perform.</p>

United Nation Convention on the Rights of People with Disabilities (UNCRPD)	23 rd Nov 2008		Initial Report due on the 22 nd November 2010. The initial Report was only completed in 2013. COM endorsed the report in June 2014 and feedback was provided by OHCHR. The report was completed and submitted at the Geneva Convention in 2016. Last meeting's concluding recommendations are being implemented. Next report is due in 2017.
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. The report was submitted in June 2016 and now the country is working on implementing the recommendations and concluding statements. DWA and other relevant agencies responsible must plan and implement the recommendations. Draft implementation plan has been developed, however DWA and other line ministries and departments need to incorporate recommendations into their work-plans and implement them.
United Nations Convention Against Corruption (UNCAC)			In November 2016, the Council of Minister approved the establishment of National Integrity & Anti- Corruption Committee to take the leading role to advise Government on the implementation UNCAC and formulation of National Integrity & Anti- Corruption Policy in 2018. Ministry will be provide secretariat role to the National Committee of 16 membership from all Government Agencies, Church and Civil Society.

D. Justice and Community Services Sector Strategy (JCSSS) 2014 -2017

Overview of progress in 2016

The Council of Minister's decision of 6 August 2008 which established the Ministry of Justice and Community Services included a significant number of agencies and non-government stakeholders within the framework of the Ministry.

No sector within the Government has such a wide scope of related service delivery areas, nor such complex grouping of independent arms of Government, constitutional, statutory, line agencies and non-government bodies as that which the Ministry has. Only two departments come under the direct auspices of the Ministry. They are the Department of Corrections Services and Department of Women's Affairs (DWA). The Child Protection Desk and the Disability Desk that originally were located at the DWA are now seated directly under the MJCS.

1. Implementation of the JCSSS Monitoring and Evaluation Plan (MEP) in 2016

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 status of each indicator contained in the MEP. It provided a snapshot of the situation as at October 2015, against each indicator, where the relevant data exists and established benchmarks for ongoing measurement of sector progress and performance against the JCSSS.

Table below provides a brief update for November 2015 to December 2016.

Table 5: JCSS Monitoring & Evaluation Plan (MEP)

Sector Strategies	Indicators	Baseline Nov 2015	Progress Dec 2016
Strategy 1: Customary Disputes - strengthen the kastom system of management and dispute resolution and links to the formal system.	1.1 Communities express increased satisfaction with customary dispute resolution processes particularly	No baseline existed at the time of baseline with regards to customary dispute resolution.	There were no customer satisfaction survey done to measure this indicator, however some progress noted- 500 adjudicators have been trained, including Heads of Nakamals and Secretaries on the four islands; Efate, Tanna and Ambae to deal with land disputes. - Continuous awareness and training of chiefs in both customary governance and the implementation of the new CLM Act has been conducted in various islands by Customary Lands Officers and members of the island council of chiefs
	2.1 Decrease in the percentage of juveniles sentenced receiving a custodial sentence.	At the time of the baseline (Nov 2015), there was one (1) 16 year old male at the detention centre	There were no Juveniles held in the detention centres in 2016, however there were 4 that did community work under the supervision of Community Justice Officers.
Strategy 2: Juvenile Justice - Develop an integrated juvenile justice system inside the Sector.	2.2 Decrease in the percentage of Children in pre-sentencing and post-sentencing detention not wholly separated from adults.	One (1) 16 year old detainee	None in 2016 however, as above – there were 4 juveniles that did community work under the supervision of

			Community Justice Officers.
Strategy 3: Victim Support - Improve the sector response to protection and service delivery/provision for victim support.	3.1 Institutions and systems to support victims are created and implemented	<ul style="list-style-type: none"> - VWC has a network of 41 CAVAWs doing awareness on violence in rural communities. - Vanuatu Police Force approved new Family Violence Policy, Standard Operating Procedures (SOP) for Family Violence Prevention - State Prosecutions Department (SPD) started family violence cases to fast track case to court. - DWA planned to start the Authorised Persons under the Family Protection Act (FPA). - Child Desk is supported by UNICEF with a pilot program on Tanna and Erromango. The pilot provides referral systems 	<p>VWC continues to have a wide reach in the rural communities through the CAVAWs in their awareness programs on family violence. They currently have a police officer on site 5 days a week in Port Vila and 3 days a week in Tanna.</p> <p>The Police have implemented the Standard Operating Procedure (SOP) in Family Protection cases. The SOP orders police to investigate, arrest, charge the offender, and to consider the protection of the victim in deciding bail.</p> <p>The SPD in 2016, used the Bail and Rapid Charges system to progress family violence cases faster than other criminal cases.</p> <p>In 2016, the Authorised Persons (AP) pilot under the FPA was moved up to the Ministry and with support from the SRBJ Program recruited 3 pilot coordinators who will begin the activities for the Authorised Persons (AP) program in early 2017. The 3 officers are located at the MJCS.</p> <p>-The Child Desk has conducted training in the pilot sites to upskill members to be able to identify and deal with child abuse cases. 30 cases were reported through the established referral system in 2016.</p>
	3.2 Increase in the percentage of victims that feel that victim support services are adequate	No baseline existed for this indicator at the time of baseline.	No formal structured assessment has been conducted with victims to assess how they feel about the support services. However, anecdotal evidence through stories from users of services

			expressing <i>‘more satisfied with the quality of service and people having greater trust and confidence’</i> ⁶
	3.3 Number of protection order applications made to Authorised Persons for domestic violence offences.	No baseline existed at the time of baseline.	The actual activity has not started however, there is initial progress with the recruitment of 3 pilot coordinators.
Strategy 4: Infrastructure - Develop and implement a comprehensive infrastructure plan	4.1 Comprehensive Infrastructure Plan developed and commenced implementation.	An Infrastructure working group existed at the time of the baseline however scope was narrowed to only the corrections centre. PJSPV committed to supporting the MJCS with a sector infrastructure plan (SIP)	The Sector Infrastructure Plan (SIP) draft has been completed with support from PJSPV. Draft of the Plan was circulated for further comments. The plan is to be finalised by the end of February 2017.
Strategy 5: Human Rights – Develop a national framework for implementation of treaties and constitutional provisions	5.1 Increase in the percentage of people that understand their rights, respect the rights of others and perceive that their rights are protected.	No baseline existed at the time of conducting initial assessment.	No formal structured assessment has been conducted to determine progress of this indicator.
	5.2 Increase alignment between domestic laws and relevant international human rights treaties	- VLC has the responsibility of reviewing laws and checking alignment of all laws it reviews with international human rights conventions. -National Human Rights Committee exists and one of its functions is to ensure the Government complies with the international treaties that we have rectified.	2% of the laws have been amended to cater for discriminatory and gender biased principles. Vanuatu has rectified 6 Human Rights core Conventions. Reports that were prepared and submitted in 2016 are; the CRC and 2 Optional Protocols, CRPD and CEDAW Combined 3 rd and 4 th Reports and 2 Optional Protocols.
	5.3 A national human rights mechanism to support the implementation of treaties and constitutional provisions is established and strengthened.	As per 5.1, the NHRC was established in Sept. 2014 with 3 core functions; 1: To advise the Govt. on International Human Rights Treaties 2: To advise the Govt. whether Vanuatu should become a State Party to International Human Rights Treaty 3: To implement and ensure that the Govt. complies with International Human Rights Treaties that we have ratified...	The NHRC has made progress in assisting with the finalization and submission of the CRPD, CRC and 2 Optional Protocol and the CEDAW and 2 optional protocols reports for Vanuatu There is on-going work towards the completion of the Initial Periodical Reports of CAT & ICCPR In addition, the Committee is also progressing with the

⁶ Source: Capacity Development Outcome Analysis Report – November 2016, PJSPV

			<p>realization of recommendations of the 2nd UPR Reporting round.</p> <p>NHRC still needs to follow-up on ministries and departments business plans to cater for all recommendations</p>
Strategy 6: Crime and Impacts of Crime – Develop a comprehensive crime prevention strategy that engages Government, communities, kastom authorities, business and NGOs.	6.1 Reduction in the rates of specified crime	No baseline existed at the time of initial assessment regarding this indicator.	No formal structured assessment has been carried out to determine progress on this indicator.
	6.2 Communities are perceived to be safer	No baseline existed at the time of initial assessment regarding this indicator	No structured assessment was done to determine progress on this indicator.
	6.3 Communities perceive that crime is decreasing	No baseline existed at the time of initial assessment for this indicator	No structured assessment was done to determine progress on this indicator.
	6.4 Increase in the percentage of detainees participating in a rehabilitation program.	Measure at baseline was through pre-release reports. At the time of initial assessment was a 100%	Detainees' participation in overall rehabilitation and integration programs is steadily maintained at 100%.
Strategy 7: Case Progression – Reduce unnecessary delays in case management across the system	7.1 Reduction in average lengthen of time for the completion of a criminal case	From the Supreme Court, available data shows that nationally – it takes an average of 280 days to complete a criminal case. In the magistrate court, an average of 331 days.	For Strategy 7, SRBJ is providing support through a TA for systems support and systems procurement support.
	7.2 Reduction in average of time for the completion of a civil case	In the Supreme Court, nationally it takes an average of 691 days to complete a civil case.	Case Management systems have been automated and are currently ongoing with the Public Legal Institutions and supported by the SRBJ Program. The offices that are using the Case Management System are SLO, PPO, PSO, SPD and Judiciary, Ombudsman, VPF, Corrections, DWA & VWC.
	7.3 Increase in throughput rate in PPO, SPD, PSO and SLO.	<ul style="list-style-type: none"> - SPD has 1300 open and unassigned cases - PPO has 60 cases listed at the Supreme Court and 70 cases awaiting charges to be drafted - SLO had 100 cases nearing closing and close to knowing what their throughput rate is. - PSO had cases that were closing but not closed in the data management system. 	Data produced via each of the offices in this indicator are being reviewed and will be reported in the 2017 Annual Report.

2. Progress with the Approved way forward for the JCSSS Implementation in 2016.

In the HoAG meeting of 30th September 2015, the Group 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. Progress update for each strategy in 2016 against approved way-forward from the document '*Approved Way Forward for JCSSS*' from 2015

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

Summary of key achievements for Strategy 1 as per the '*Recommended Way Forward*' in 2016 includes:

1. The Malvatumauri Council of Chiefs (MCC) and Customary Land Management Office (CLMO) compiled lists of chiefs, secretaries and adjudicators under the Lands Act. Training were conducted for Chiefs and adjudicators in all the pilot sites.
2. CLMO established provincial pilot sites for land disputes resolutions in Efate, Santo, Malekula, Tanna and Ambae.
3. A research was conducted and report produced on the Malekula Research titled '*Conflict Management and Access to Justice in Rural Vanuatu*'. The research included; identifying what kinds of conflicts were prevalent in communities; how conflicts were managed etc. Beyond the information generated, it is envisioned that the research might inform clearer and effective approaches to improving access to justice for all citizens.

4. MJCS continues to support, as appropriate the progress of the land reforms by the CLMO and the Oversight Implementation Committee. Reviews on the 2 legislations; Customary Land Management Act and the Chiefs Act are currently undergoing review and have gone through a second round of consultation.
5. Sector has provided support to the MCC to build the knowledge and capacity of chiefs in human rights, natural justice and good decision-making. In 2016 8 trainings were conducted to support chiefs strengthen their capacity/skills in performing their duties.

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

Summary of key achievements for Strategy 2 as per the ‘Recommended Way Forward’ in 2016 includes:

In 2016, Policing Justice Support Program Vanuatu (PJSPV) conducted an integrated analysis of planned and actual progress across the sector and published a report on Strategy 2. The key results of the analysis are provided below;

1. The multi-agency agreement, the Pacific Judicial Development Program (PJDP) was supported and signed by agencies to progress a number of realistic and achievable actions. One such progress is by the Magistrate Court who provides special plea and hearing dates for juvenile cases; and adoption of less formal, round-table settings for court processes.⁷
2. Improvements have been made in the Supreme Court to create an environment that considers the needs of juveniles and helps improve their access to justice. For example: practices include taking a ‘wig off’ to create an informal approach and stepping down from the bench to deal with juveniles at their level. Other practices also include; clearance of the court room, allowing a parent to sit with them, and for juvenile victims, use of physical screens or evidence taken in a separate room to avoid eye contact with the perpetrator.
3. The Department of Correctional Services (DCS) are progressing the establishment of a correctional facility designed specifically for juveniles in Luganville due to start construction in 2017 to improve their access to justice. The design was developed in consultation with the UN High Commission for Human Rights in the region and NZ Corrections Department.
4. In November 2016, the National Child Protection Policy 2016-2020 was launched. That marked an important milestone for Vanuatu. The policy raised the profile of juvenile issues as part of national human rights and community development agenda. At the same time it raises the bar for accountability.

Other agencies who have also progressed aspects of the juvenile justice strategy are;

5. State Prosecutions Department (SPD) are expediting juvenile matters
6. Magistrates’ Court has a separate day for hearing Juvenile matters.
7. Vanuatu Police Force (VPF) colour code files for young offenders.
8. VPF have Standard Operating Procedures for dealing with young offenders.

⁷ Source: ‘Where to from here? A report into the institutional status of juvenile justice in Vanuatu’ Policing and Justice Support Program Vanuatu, November 2016.

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

Summary of key achievements for Strategy 3 as per the ‘Recommended Way Forward’ in 2016 includes:

In the Victim Support Report, October 2016 for the Heads of Agency Group (HoAG), the Policing Justice Support Program Vanuatu (PJSPV) Advisor to the PSO highlighted some success stories on Strategy 3 which included;

1. Public Prosecutor’s Office (PPO) has included “victim support” as an activity in its 2017 business plan. Three (3) staff have been assigned the responsibility for the activity.
2. PPO now requires advice to be prepared on all files before trial, and advice on possible appeal grounds after trial.
3. Police have implemented the Standard Operating Procedure in the Family Protection (Domestic Violence) cases. This orders police to investigate, arrest, charge the offender and to consider protection of the victim in deciding bail.
4. Police and SPD have listed a backlog of 241 cases in the Magistrate Court for October and November 2016.
5. Vanuatu Women’s Centre (VWC) now has a police officer on site 5 days a week in Port Vila and 3 days a week on Tanna.
6. VWC also highlighted the importance of suppressing the identity of victims in media reports in a recent PACMAS workshop.
7. Corrections Department has set up and conducted a victim awareness module for offenders at Luganville and Port Vila Correctional Centers (high, medium and low risk).
8. Corrections attend every Supreme Court Tour. They contact victims in preparing Pre-Sentence Reports. In addition, they also try to contact victims in ‘high risk’ parole cases to establish their views before the case is heard by Parole Board.
9. PSO has conducted legal awareness in North Tanna and Maewo in 2016.
10. In the informal sector: Care International’s ‘Leftemap Sista’ program has conducted workshops for over 300 youth. Many youths find confidence to report crimes during the workshops.
11. The Child Desk Tafea pilot sites have reported 30 cases in 2016 to relevant authorities.

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

Summary of key achievements for the ‘Recommended Way Forward’ for Strategy 4 in 2016 includes:

In acknowledging the need to better support resources to the areas of greatest need, the Ministry of Justice and Community services (MJCS), in partnership with *Stretem Rod blong Jastis mo sefti (SRBJS)*, supported the development of a Sector Infrastructure Plan (SIP).

1. Towards the end of 2016, MJCS and PJSPV produced a Five (5) Year Sector wide infrastructure plan for policing, justice and community services sector was developed, prioritised and costed. The Sector Infrastructure Plan (SIP) captures all the infrastructure needs for the sector. This document articulates the priorities as defined by the government for the provision of services through Vanuatu’s formal system of justice and policing.

2. The plan provides an improved platform for development partner support to infrastructure as well as a more coordinated approach to infrastructure development.
3. Department of Corrections through their strong partnership with the NZ Government continues to progress the Luganville Correctional Centre which is also reflected in their 2016 Business Plan and captured as well in the SIP.

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

Summary of key achievements for Strategy 5 as per the ‘Recommended Way Forward’ in 2016 includes:

Approved for way forward

1. MJCS continue to participate in the NHRC and to report back where opportunities for program support arise – The National Human Rights Committee is supported by the MJCS who plays the secretariat role to the committee which includes budgetary and administration support. The challenge in 2016 has been in getting the committee to meet regularly to plan and implement recommendations and prepare the overdue reports. i.e
2. For the NHRC to progress in its activities, the Ministry as the secretariat to the Committee is setting budget to support the completion of ICCPR and CAT periodic report to be submitted in 2017.
3. Preparation for the third cycle reporting for UPR started in 2016. The MJCS and stakeholders have been encouraged to implement recommendations from the previous report in preparation for the reporting;
4. UNCAC – We have the Vanuatu UNCAC Review report in 2014 and the establishment of the National Integrity and Anti-Corruption Committee (NIACC) in November 2016. The committee is tasked to 1) implement UNCAC recommendations in Vanuatu and 2) Formulate Vanuatu National Integrity and Anti-Corruption Policy.
5. A Policy Paper and Project Paper submitted to UNDP and other donor support for TA to be recruited in February 2017.
6. 2017 – The UNCAT and ICCPR reports are two outstanding reports that are still in the process of drafting. In preparation for third cycle reporting for UPR, the Ministry and stakeholders have to implement recommendations from the previous report in preparation for the reporting.
7. The Ministry has the ongoing mandate to review laws for alignment with Articles of the Human Right Convention ratified. First two amendments that had been gazetted are the ‘Increase in penalty of all sexual related offences in Penal Code Act, and Access to justice through amendment of the Public Solicitor’s Act to allow proper representation of client by counsel.
8. The Vanuatu Law Commission has the role of ensuring that our laws align with the human rights treaties as an ongoing priority.

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 key achievements for Strategy 6 as per the 'Recommended Way Forward' in 2016 includes:

1. The VPF has now introduced their new Police Information Management System (PMIS) in late 2016, and this now provides an integrated system for managing incidents, investigations and recording of Criminal History. All incidents from CRIMS have been migrated to PMIS.
2. Detainees' participation in overall rehabilitation and integration programs is steadily maintained at 100% from the 2015 report.
3. VWC continues to have a wide reach in the rural communities through the CAVAWs in their awareness programs on family violence. They currently have a police officer on site 5 days a week in Port Vila and 3 days a week in Tanna.

Strategy 7: Case progression - Reduce unnecessary delays in case management across the system

Summary of key achievements for Strategy 7 as per the 'Recommended Way Forward' in 2016 includes:

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. Below are agency updates;

1. *SPD Case tracking system* – Development/Implementation work for their new Case Management System continued during the 2nd half of 2016, with implementation set for 1st Qtr 2017 in Santo. The new CMS is the same system as used by Courts and SLO namely Lexis Nexis – Visual Files.
2. *CLMO tracking system* – set up not complete due to financial constraints which did not allow for them to hire a technical systems programmer to set up their tracking system.
3. *Courts Case Management System* – the system has been in full use since November 2015, and is used by all levels of the court, from the Court of Appeal to the Island Court, and now also has the enforcement activities of the Sheriff's Office.
Much work continues to be done on ensuring data quality, particularly around the stage of a case progression.
4. *SLO Case Management System* – The Case Management System has now been in full use since November 2015 and is used specifically for the Solicitor General's Unit (Litigation). All incoming documents are scanned on arrival at SGU, and lawyers can attend to their work either from the physical file, or electronically through CMS as well as all outgoing correspondence. The other Units within SLO not related to legal cases are using the Whole of Government Document Management System (DMS) called Saperion.
4. *Police Information Management System PIMS*) - The VPF has now introduced their new Police Information Management System (PIMS) in late 2016, and this now provides an integrated system for managing incidents, investigations and recording of Criminal History.

It replaces their old system – CRIMS, and another system – VICRIS, both of which have been in use for many years. All incidents from CRIMS have been migrated to PMIS.

5. *Corrections Document Management System* – During 2016, a major upgrade to the DMS (Saperion) – so that all documents related to an offender can be scanned and stored inside the DMS, but still available to Corrections officer through OMS.
6. *Legal Case Management System (LCMS)* - Public Solicitor's Office – Enhancements have been made to their Legal Case Management System (LCMS), as well as a major undertaking within the office in closing old/completed cases. The latter will greatly assist in tracking workload and managing cases.
7. Office of the Ombudsman – Development/implementation work for their new Case Management System (CMS) continued during the 2nd haf of 2016, with implementation set for 1st Qtr 2017. The new CMS is the same system used for Courts and SLO (Lexis Nexis – Visual Files).

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:

- 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

The Ministry of Justice and Community Services experienced political stability and continuity in 2016 in terms of implementing the commitments made in 2015 and new commitments made in the year. Hon Minister, Ronald Warsal got elected during the snap elections in February 2016 and maintained the top ministerial leadership post throughout 2016, providing a time of peace and stability for the Ministry after the 2015 experience that saw 4 changes in the Ministerial post. As a result of this period of peace, the Ministry was able to implement most of its policy objectives.

Some of the achievements for the Ministry in 2016 have been;

Key Achievements

- Provided policy direction to the Ministry and the country
- Provided support to the sector and donor partners as well as NGO partners.
- Successfully launched the first National Child Protection Policy and the first National Gender Equality Policy.
- Set up the Commission of Inquiry (COI) into the VNPF saga and got a comprehensive report produced.
- Participated at the Council of Ministers' meetings and tabled 13 COM Papers between January to December 2016.
- Successfully implemented 90% of the COM Decisions in 2016.
- Policy to amend Penal Code Act Cap 135 was tabled in Parliament which saw an increase in the length of penalties to sexual related offences and intentional assaults.

Key Challenges

- Budget constraints continue to be a major challenge for the Cabinet
- The cabinet depends on the CSU to provide basic office supplies.

Our Budget

Cabinet Budget; VT 41,855,644 – VT 71,710,590



Operations: VT 5,845,590

Payroll: VT 34,855,902

Our Staff

The Cabinet has a total of 9 staff including the Honourable Minister.

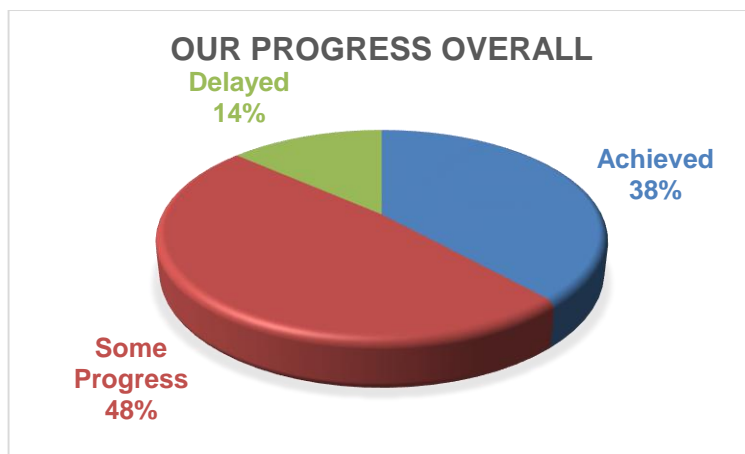
Our performance against the 2016 budget narratives

Description	Qty	Unit of Measure	Rating	Comments
Provision of a quarterly and Annual Report on activities and tasks undertaken by the Ministry with specific components for assessment and analysis of achievements	4	No. of Reports		
COM Papers tabled in Parliament that are approved	100 %	Percentage of COM Papers approved		The Minister for Justice and Community Services tabled a total of 13 COM Papers in Parliament in 2016. All 13 COM Papers were approved and Decisions were implemented, completion rate of 90%.

Corporate Services Unit

The Corporate Service Unit's (CSU) or the 'Hubs' 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'* to the people of Vanuatu. This is done through the implementation of the Ministry's corporate plan which is directly linked to the Justice and Community Services Sector Strategy (JCSSS). 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 had a total of 123 Activities that were planned for implementation in its 2016 Business Plan. These activities hinged on six (6) key strategic themes of the Corporate Plan 2016 – 2018. The office of the Director General is supported by 3 key positions; Organisational Performance Coordinator, Policy Advisor and the Capacity Development Coordinator who are responsible for the planning, implementation, monitoring and reporting of the activities directly under their responsibility. The Organizational Performance Unit had 32 activities, Capacity Development Unit had 46 activities, Policy Advisory Unit with 37 Activities and and Director General's Office had 9 activities. Results from the November 2016 review on progress on activities across the three units combined (Organisational Performance, Capacity Development and Policy Advisory) can be seen in the diagram below. 48% Some Progress, 38% Achieved and 19% Delayed. Activities that were delayed and those still in progress are carried over to the 2017 Business Plan.



Key Achievements

- Supported agencies in the development and review of their 2017 Annual Reports
- Supported the training and development of Finance and Human Resource Officers within the Sector and beyond.
- Supported agencies with their 2017 business plans, budgets, policy advice and essential monitoring and evaluation (M&E) concepts.

- Launched two policies; the National Child Protection Policy and the National Gender Equality Policy.
- Facilitated three (3) HoAG meetings in 2016. In the November 2016 meeting the name was changed from HOAG to Justice Sector Leadership Forum (JSLF).
- Reported twice on COM Decisions and Projects over VT10M to PMO – in March and in September 2016 respectively.
- Started Friday morning in-house sessions for Hub team and cabinet staff for team awareness and education into the functions of different units within the 'hub' and of our partner sector agencies.
- Pacco Siri, MJCS's Organisational Performance Coordinator was appointed into Acting Director General role after former DG, Mark Bebe's contract ended in November 2016. The appointment from within the Ministry's Corporate Services supported continuity in the Ministry's work, particularly the implementation of ministry policy directions.
- Continued to work in close collaboration with sector partners, donor agencies and communities.
- Implemented 90% of the COM Decisions in 2016, there were a total of 13 COM Papers tabled by the Honourable Minister for Justice in 2016.
- Drafted the Sector Infrastructure Plan (SIP) with support from the SRBJ Program. The finalised draft was circulated for comments and aims to be finalised in February 2016.
- Through support from the SRBJ Program, the Malekula Research was completed and a report '*Conflict Management and Access to Justice in Rural Vanuatu*' was produced on findings with recommendations provided for way forward in developing clearer and effective approaches to improving access to justice.
- With support from the SRBJ Program 3 officers were recruited for kick-starting of the FPA – Authorised Persons and Registered Councillors Pilot Project. The pilot is expected to take off in early to mid-2017.
- Coordinated with the NHRC the development of major UN Conventions Reports such as the CPRD, CRC and CEDAW reports. All these UN Conventions Reports have been submitted to the various UN Committees.
- Supported the Ministry Cabinet deliver on its policy objectives.
- Supported the coordination and implementation of human rights activities as undertaken by the various Human Rights Committees within the Sector.
- Communications: Started work on a MJCS Communication strategy
- Communication via Desks and departments – about their work and other advocacy/awareness
- Another key achievement has been in the area of capacity development of individual staff and the organisations they represented. Support from the SRBJ Program has enabled the Ministry to provide capacity development support in some areas;
 - Policy development training
 - Communication
 - Basic Excel
 - Finance Management Training
 - Business planning support

- M&E support
- Institutional strengthening capacity assessment
- Women in Leadership mentoring
- Development of leadership framework
- Communication – branding, styles and themes, media relations
- Supported VSSS

Key Challenges

- Support the implementation of the FPA Pilot – Authorised Persons and Registered Councillors. The challenge in 2016 had been in staffing the pilot project and getting the project off the ground to get activities rolling.
- Recruitments to fill in the ‘Hub’ structure – The ‘Hub’ structure is left
- 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.
- Unbudgeted and unplanned activities

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 2016 budget narratives

Description	Qty	Unit of Measure	Rating	Comments
Agency Heads Meetings hosted	4	No. Meetings	of 	Only 3 HoAG meetings were held in 2016. In September 2016, the Heads of Agencies held their 3 rd meeting and during that meeting the Group decided to change the name from Heads of Agencies Group (HoAG) to Justice Sector Leadership Forum (JSLF).

				The change in name also changed the membership to the forum which now only includes, Judiciary, PPO, PSO, SLO, VLC, DCS, Land Ombudsman, and Office of the Ombudsman.
Activities planned under the JCSSS 2014-2017 that are implemented	100 %	Percentage of planned activities		There has been some progress in the implementation of planned activities under the JCSSS 2014-2017. However, it is difficult to ascertain exactly what percentage of the planned JCSSS activities were implemented at this stage as no systematic review has been conducted. A review of the JCSSS is planned for the 3 rd quarter of 2017.
Performance Review of key staff and personnel by Director- General	100 %	Percentage of Performance Reviews		Performance review process was partially undertaken in Dec 2015 by the Director General. In 2016, Performance Reviews being part of Performance Management process became a priority agenda as PSC pushed for every department and ministry to have performance reviews. There are improved results compared to 2015 performance reviews.
COM papers implemented	85	Percentage of COM Papers implemented		In 2016, the Ministry successfully implemented 90% of the COM Decisions that were tabled by the MJCS Minister in Parliament. Thirteen (13) COM Papers were tabled between January and December 2016 and all COM Decisions were progressively implemented.
All expenditure transactions are within budget	4	No. of Quarterly Reports		All expenditure transactions were within budget.
MJCS Corporate Plan	1	No. of Plans		The MJCS Corporate Plan was developed in 2015 but not officially launched. The Ministry, however has used it to develop the 2016 Business Plan and individual work-plans.
All agencies have business and corporate plans	10	No. of agency plans		In 2016, all Departments had developed their Business Plans.
Budget Planning and processed in accordance with the requirements of the Public Finance and Economic management Act	1	No. of Budget Plans		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 for the Year Ahead

- **Human Resource:** Recruitments to fill in the 'Hub' structure
- **Implementation of Policies:** Support the Child Desk and DWA with the coordination and implementation of the National Child Protection Policy and the National Gender Equality Policy.
- **JSLF & HOAG Leadership:** Facilitation and coordination of Justice Sector Leadership Forum (JSLF) -previously HOAG meetings.
- **COM Decisions & Projects:** Implementation and reporting of COM Decisions and Projects over 10Million VT.
- **'Hub' support:** Continue to support agencies with Business Planning, Budget Narratives and Reporting
- **Implement FPA Pilot:** Support the implementation of the FPA Pilot – Authorised Persons and Registered Councillors

- **National Human Rights Committee:** Support the coordination and implementation of human rights activities as undertaken by the various Human Rights Committee Members within the Sector.
- **Support to Cabinet:** Support the Ministry Cabinet deliver on its policy objective

Department of Correctional Services

The Department of Correctional Services was formally established in November 2006.

The key responsibilities of the Department are;

- Administering the provisions of the Correctional Services Act
- Administering the provisions of the Penal Code with regard to Probation Services
- Providing administrative support and information to the Community Parole Board

The Department's Core Services delivered are outlined below;



Agriculture



Education/Rehabilitation



Arts Programme

The services we deliver

1. Community Sentence Management

We manage a range of community based sentences that are imposed by the Courts. We also supervise offenders who have been released on parole

2. Information and Advice

We write pre-sentence reports, compensation reports, and diversion reports to assist the Court in sentencing decisions. We also write pre-release reports to assist the Community Parole Board in making parole decisions. We provide information and advice to Government and community groups

3. Rehabilitation and reintegration for offenders

With the assistance of government departments, NGOs, Church groups and Jifs we deliver a range of programmes to offenders in order to reduce the risk of re-offending and to assist in the reintegration of offenders back into the community

4. Custodial Sentence Management

We manage four Correctional Centres that are to deliver secure, safe and humane containment for offenders sentenced to custodial sentences by the Courts.



Construction



Joinery



Spiritual Counselling

Sefti, digniti, rispek mo gud fasin blong evriwan

The key Objectives under the Correctional Services Act are:

- a) The maintenance of public safety,
- b) The considerations of victims' interests and,
- c) To ensure offenders undertaking sentences of supervision or in correctional centres have access to rehabilitative and reintegration programmes; and
- d) To ensure the fair treatment of offenders undergoing sentences of supervision, community work or detained in correctional centres; and
- e) For offenders as far as it is reasonable and practicable in the circumstances and within the resource available, to be given access to activities that may contribute to their rehabilitation and reintegration into the community.

Key Achievements

The Department has worked towards achieving key outcomes in its Business Plan for 2016. Some of this achievements are highlighted below;

- Strengthen Institutional Capacity: Completed finalising the Department's Capacity Development Plan.
- Started on staff performance management processes, developed a budget plan
- The Department closely monitored its budget in 2016 and ensured there were no over-spends or major underspends.
- Consultation meetings held with State Law Office and wider consultation with stakeholders for the amendment of the Correctional Service Act. Amendment submitted to State Law Office.
- Human Resource Management: Supplementary Budget submitted for 27 contract staff, 3 permanent officers appointed for Luganville and 16 internal and 26 external training occurred for 181 staff
- IT Networks & Filing Systems: The female Centre in Vila has had network connected, the Luganville Centre is next awaiting OGCIO to do network connection in early 2017. In addition, the Department is fully utilising the OMS and Saperion systems for data management.
- Education/Community Awareness: Completed community awareness/education in Tafea, Sanma and small scale awareness in Port Vila. Funding support for this activity came through the SRBJ Program.



Community Awareness on Tanna, July 2016.

- Community Justice Supervisors Training: Two training conducted for Malampa and Penama for CJS support on offenders on community based sentences.
- Staff Capacity Development: Training of staff on Budget and Financial Management, OMS, Saperion and Training Skills.
- A new vehicle was purchased for Malampa Correctional Centre.

Key Challenges

- Our facilities continue to face major challenges as most of its structures are old (dated back to colonial era)

- The DCS lands are still not secure in terms of acquiring land titles
- We still facing problem with contract staff – most of the staff are still on contract
- DBKS still rents its office space and that puts a strain on our annual budget.
- Reopening of Tanna corrections – still looking for donor to support construction work with the facilities.
- To build new facility at Errangorango that can accommodate for 150 – 200 beds.

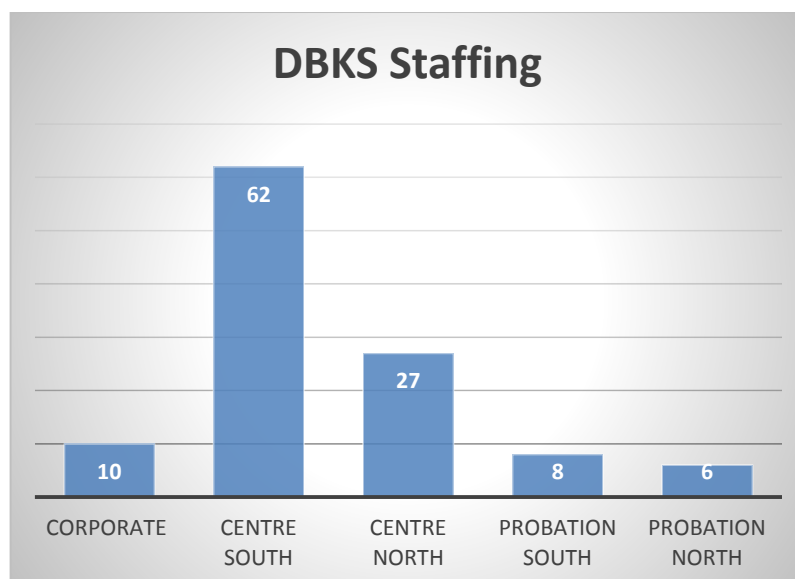
The Budget

The Department's total budget in 2016 was 195,370,484 with an additional funding of 1,144,532 VUV which increased the department's annual budget to 196,515,016 VUV

Payroll:	142,918,268 VUV
Operations:	52,452,216 VUV
Total:	195,370,484 VUV
Additional Funding:	1,144,532 VUV
Over-all Total:	196,515,016 VUV

Staff

The Department of Corrections continues to operate under the same payroll budget in 2016 with 113 funded positions. The number of contract engagement remain the same as in 2015 with 35 contract staffs, most currently posted at centre south which is in line with the continued increased number of detainees.



The Department of Correctional Services continues to improve its staffing capacity through training programs. A first ever HRD Plan was developed in 2016 to accommodate specific training needs for all staff. As a result, 367 participants participated in training courses in 2016 in a wide range of trainings.



Luganville core skills training, 2016

Our performance against the 2016 Budget Narratives Key Indicators.

Description	Qty	Unit of Measure	Rating	Comments
New Correctional Infrastructure is designed and built according to purpose, design, on-time and within budget	1	Number	●	New Luganville Correctional Centre Units 74% complete by the 31 st of December 2016. Luganville facilities are within budget and on schedule to date.
Internal and External training courses completed by staff (disaggregated by Sex)	2	No. of courses (Internal)	●	Internal Training: 16 training events
	50 M /10 F	No. of staff (internal)		178 staff trained (143 Male / 35 Female)
	8	No. of courses (External)		External Training: 26 training events
	75 M /15 F	No. of staff (external)		181 staff trained (143 Male / 38 Female)
Escapes per annum	0	Number	●	5 escapes by detainees in 2016
Children pre-sentencing and post-sentencing detention wholly separated from adults	50%	Percentage	●	50%
Detainees completing a rehabilitation program and/or reintegration activity	100 %	Percentage – Rehab	●	100%
	80%	Percentage – Integration		Captured in a separate report
Percentage of offenders serving community justices sentences	60%	Percentage	●	56%



Focus for the Year Ahead (2017)

1. **Strengthen Institutional Capacity:** The Department is new, thus we will continue strengthening the 'business' side of our work – budgets, reports, processes and information management and review of DBKS Act.
2. **Develop Management and Staff Capacity:** Our staff are the life of our department. We will focus on training and development at all levels of our Department with the support from NZAID by implementing our HRD Plan. New recruits for Port Vila and Luganville will be considered as priority in 2017 and Implementation of training calendar 2017.
3. **Continue Maintenance and Security:** Our Centres Buildings have been in a state of gradual deterioration for some time so we will continue to address maintenance issues in 2017. In addition, we will continue to strengthen security measures in all centres throughout 2017.
4. **Develop Infrastructure:** We will ensure the completion of the Luganville Facilities as outlined in the Infrastructure Plan 2014-2018. In addition, negotiate with donor partners for the new Correctional Centre at Erangorango and re-design the new facility to ensure it is sustainable in the future which would include engaging in a farming project.
5. **Involve the Community in Our Work:** Our Department works for the community and we are committed to involving them in our work, for example, as Community Justice Supervisors and in offender rehabilitation programs.
6. **Develop Relationship with our Stakeholders:** We will continue to engage holistically in the 'Sector Strategy' as well as continue to develop partnership with stakeholders in 2017.

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 program implementation nationally, regionally and internationally.

Key Achievements

- The major achievement for the year was the official launching of the first Vanuatu's National Gender Equality Policy for 2015 – 2019 on 25th November, 2016 as part of our celebration of the International Day on the Elimination of Violence against Women and Girls. This historical five years policy outlines the Gender Equality Road Map for Vanuatu and allows for greater role for Government's leadership in the coordination of the implementation and monitoring of the policy.



Launching of the National Gender Equality Policy by the Hon. Prime Minister, 25th November 2016

- The formal presentation of Vanuatu's national 4th and 5th CEDAW report to the UN CEDAW Committee on 24th February, 2016 highlighted the progresses and challenges on advancing women's human rights and development since its last report in 2007.



Vanuatu's delegation with the members of the UNCEDAW Committee

- Vanuatu leads in the formal establishment of the Gender and Protection Cluster in the region. The formal signing of 158 million Vatu on 10th December, 2016 between Vanuatu Government and the Government of Australia was earmarked for the 12 months TC Pam recovery and resilience program activities under the National Gender and Protection Cluster.



Hon. Johnny Koanapo, Parliamentary Secretary to the Prime Minister and His Excellency, Jeremy Bruer, the Australian High Commissioner to Vanuatu signing off the funding agreement, DWA Conference Room.

- As part of the Department's continuous 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, Department hosted a first ever 3 Days Exchange program at Le Lagoon Warwick Resort on April, 2016 for Women Councillors in sharing their experiences and challenges as Women Councillors including visits to the different projects sites by the women councillors within the different wards within Port Vila Municipality.



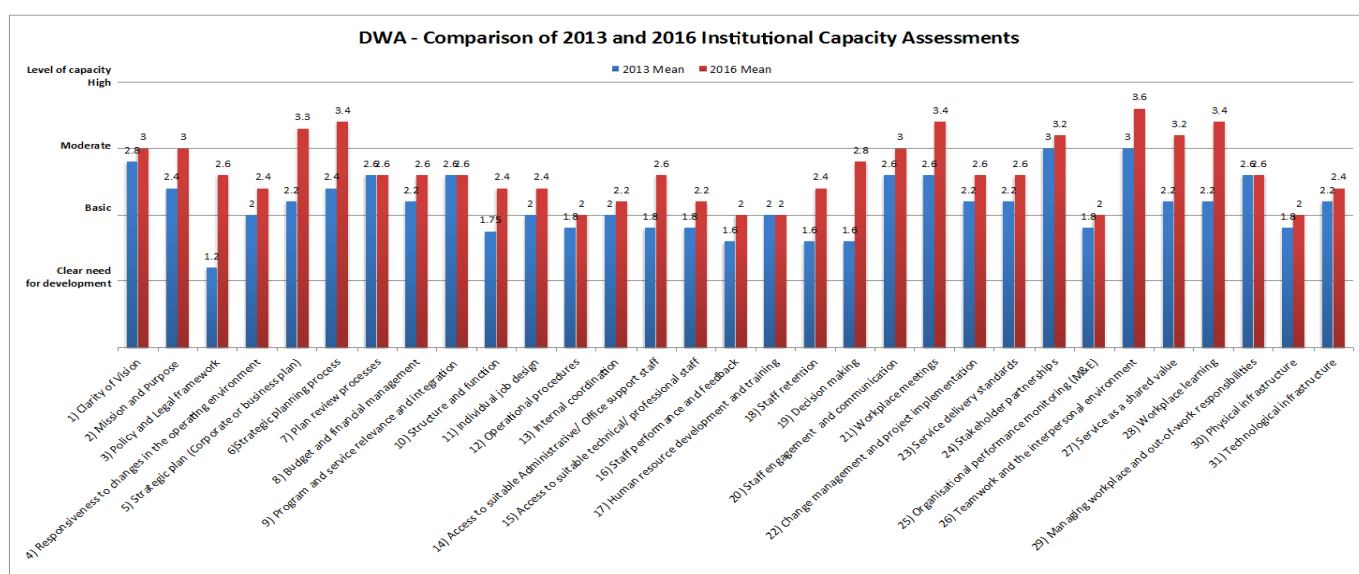
The 10 elected Women Councillors with the Hon. Ronald Warsal, the Minister and Mark Bebe, the Director General, Minister of Justice and Community Services

- As an outcome from Building Women's leadership in Emergencies and Resilience in Recovery from TC Pam the establishment of "Women's Information Centres" in 2015, "**Woman Tok tok tugeta**" was established as a Platform in allowing rural women come together, learn and discuss issues affecting them and developing strategies on solving them.

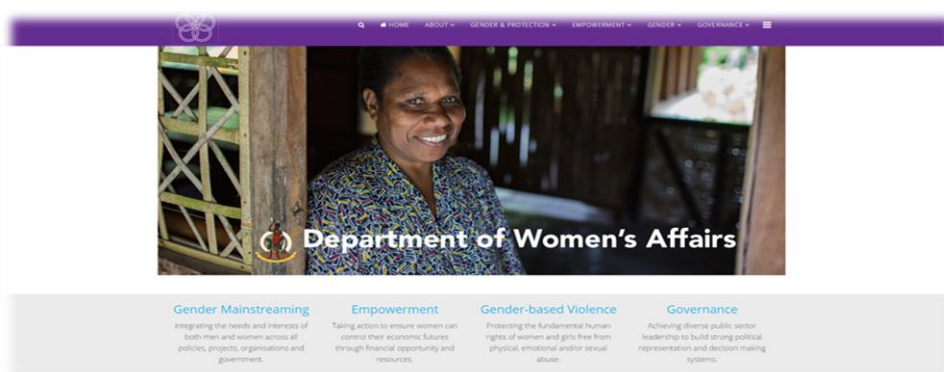


Members of the Toktok tuketa Eton, Tanna and Erromango on IWD, 08th March, 2016 with the theme, 'Pledge for Parity' to the Government of Vanuatu.

- With support from the Stretem Rod Blong Jastice program, a Diagnostic Study on the institutional and capacity requirements of the Department in 2016 saw an overall improvement for DWA from that assessment undertaken in 2013.



- The role of media is very important in communicating and promoting the mandate and work of the Department. The Department has increased its media coverage from **one** medium of communication which was ***"Sistas Toktok"*** article *weekly within Daily Post* to **four** mediums since 2013; the Social Media (Facebook Page, Weekly Radio Programs; Development of In-house IEC Material (Brochures, Posters, Banners etc.) and DWA Website promoting the department's mandate and activities as they happen in our communities.



- The first Ward Council Office was officially opened as part of the Women Councillors Exchange Forum in Port Vila in decentralizing and integrating the work of the Port Vila Municipal Council into the different Wards of the Councils.



Opening of the Anamburu Ward Council Office, April, 2016

Key Challenges

- Political commitment is required at the highest level if the Gender Equality Policy is to be successfully implemented.
- 0.23% budget – of the total annual Ministry of Justice and Community Services budget is allocated DWA. All gender programs, projects are donor funded thus there is often delays in timing for sourcing funds to carry out key activities of the Department.
- Misconceptions – that Gender is about women. Gender is still widely debated, lack of unity and understanding why gender and DWA's work matters.
- Stop-start syndrome on programs, mainstreaming weak and mostly on paper.
- DWA's work is about implementing a significant change and as such, it requires change leadership and expertise.
- Capacity wise DWA lack human, financial and technical resources.
- Many programs and organizations working collaboratively and sometimes in competition and lack of transparency.
- DWA lacks the stock- taking the gender card of what other partner agencies are doing therefore difficult to monitor scope and impact of gender on work programs.

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 17 staff employed at post as of December 2016. Nine of these staff were permanently employed since 2009 and eight were on contractual employment basis. There are four vacant positions.

Our performance against the 2016 Budget Narratives Key Indicators.

Description	Qty	Unit of Measure	Rating	Comments
Formal launching of the National Gender Equality Policy	1	No. of Policy launched		The NGEP was formally launched by the Hon. Prime Minister, Charlot Salwai on 25 th November, 2016.
Present the national CEDAW report at UN Convention	1	No. of Internationally accepted report		The 4 th and 5 th National CEDAW report was formally presented to the UN CEDAW Committee ON 24 TH February 2016.
Sourcing of funding of 158 million vatu for the operation of the Gender Protection Cluster Management Unit		No. of exchange Program Report		The project will help to inform the government and help design the processes and framework on Gender Mainstreaming with Government
Organise exchange programs for women elected councillors between Port Vila and Luganville.				A safe space for Women Councillors in discussing their development agendas and sharing their ideas, challenges and learning from each other.
A formal recruitment of the National Gender and Protection Cluster Coordinator in DWA.	1	No. of personal recruited		The Gender Protection Cluster is part of the national cluster system under the National Disaster Management Office. The position has been recruited and contract signed with an office space allocated within DWA.
Provide training and support to Women's Contestants for the upcoming March Provincial Elections of March 2017.	2	No. of training provided		Training was carried out for TAFEA and SHEFA Provinces only. Other strategies need to be undertaken to prepare women and give them confidence needed for political and general leadership

Our Focus on the Year Ahead

- Develop a national Framework for the Monitoring, Evaluation, Accountability and Learning of the National Gender Equality Policy.
- Implement the Second National Women's Forum.

- Formal establishment of the Gender Protection Cluster Management Unit within the Department of Women's Affairs. At the Provincial level we have the SHEFA and TAFEA provincial G&P clusters established as well.
- Development of options with stakeholders 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 Feasibility Study on Vanuatu Women in Business, DWA Communication Strategy, Website and National Gender Mapping.
- Implement the revised Department's Organizational Structure in line with the National Gender Policy.
- Formal appointment of APs and RCs under the Vanuatu the 2008 Family Protection Act 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

The Child Desk, under the Ministry of Justice and Community Services, is the primary advisor to Government on children's issues. The Desk was established in 2008 to lead the implementation of the United Nations Convention on the Rights of the Child (UNCRC) and its 2 Optional Protocols, which Vanuatu ratified in 1992.

In line with these agreements, the mission of the Child Desk is to protect the rights and best interests of all children in Vanuatu, regardless of their age, gender, ethnicity, disability, health status or cultural background. Children have the right to survive, develop, participate and be protected. It is a shared duty of the Child Desk, alongside other government agencies, churches, NGOs and communities, to ensure that these rights are promoted, so that our children will grow up in safe homes to become responsible members of the Vanuatu society.

The functions of the Desk include strengthening national planning and coordination of child rights and child protection policy, systems, and programs through government and non-government partners at national, provincial and community levels. The Desk also directly implements programs on child protection in 4 provinces with the support of UNICEF and in partnership with the Ministry of Youth and Sports Development and Training (MOYSDT). Our pilot program on community based child protection empowers communities to protect children from all forms of abuse by building on existing structures and good traditional practices. It also aims to link traditional mechanisms with formal justice systems at the provincial and national levels to improve child protection case management.

Key Achievements

2016 was a momentous year for the Child Desk, as we wrote and launched Vanuatu's first National Child Protection Policy. After consultations with government and non-government stakeholders across Efate, Santo and Tanna, the policy was drafted, endorsed and finally launched by the Prime Minister on 16 Days of Activism event in Port Vila on 25th November.



2016. Cutting of cake during launching of National Child Protection Policy, November 2016.



Launching of NCPP with members of Parliament & Citizens, November 2016

The National Child Protection Policy is a high level strategic framework for the coordination of child protection activities by all stakeholders for 2016 – 2026. It includes an Implementation plan which prioritizes activities under 8 strategic areas, and which will be driven by the National Child Protection Working Group under the leadership of Child Desk under MJCS. We have also developed a Monitoring and Evaluation framework to ensure that the policy is implemented per the priorities set out in the policy.

The Child Desk and MJCS team worked closely with the Department of Foreign Affairs to prepare the combined (2nd, 3rd and 4th) Periodic Report (2012) on the Convention on the Rights of the Child and Optional Protocols. These reports were submitted to the UN Committee in June 9th, 2016.

The National Child Protection Working Group, which had been dormant for several years, has been reactivated with a new Term of Reference (TOR), membership, and a clear mandate. The group met quarterly in 2016 and in 2017 will serve coordinate efforts to implement the National Child Protection Policy.

Vanuatu celebrated National Children's Day on 24th July, every year. In 2016, Child Desk, supported by a committee including Ministry of Education and Training, Vanuatu Education School Program (VESP) and non-government representatives, organised a major celebration at Saralana Park in Port Vila with the theme **"Everyone should support children's learning by enrolling all our children into class 1 at age 6"**. This theme was discussed in a full week of radio programs on VBTC leading up to the launch the previous Monday, by the Minister of Justice and Community Services, Honorable Vus Warocet Ronald Warsal. This year was the first year that

children have led the official National Children's Day celebrations in both the parade and official proceedings. The Child Desk supported all the 6 Provincial Education Offices including the Child Protection (CP) Pilot Site Communities on Tanna and Erromango. In addition, the Child Desk also provided support to 18 communities and churches in Port Vila including the surrounding communities and villages around Efate. A total of Vt2, 000,000 was used to support the National Children's Day activities throughout Vanuatu.



The Parade through Port Vila town on Children's Day, 2016

In collaboration with UNICEF and the Ministry of Youth and Sports Development and Training, the Child Desk developed a Community Facilitation Package on child rights and child protection, entitled ***Our Children Are Our Future***. The package is a resource developed specifically for Vanuatu that aims to support caregivers and community leaders in raising and encouraging children and preventing abuse, violence, neglect and exploitation of children. This package is a keystone of the Child Desk's approach to community based child protection (prevention and early intervention) and contributes to the achievement of Strategic Areas 1 and 2 of the Vanuatu National Child Protection Policy.

In 2016 we trained 27 facilitators to implement *Our Children Are Our Future* across Efate, Santo, Pentecost, Tanna and Erromango. The feedback from both facilitators and participants alike has been overwhelmingly positive, with many requests for the workshops to be extended to neighbouring communities. 2017 will see continued support to facilitators and partnerships with allied organisations to implement the package as well as training of additional facilitators.



Community Child Protection Facilitators training participants, Tafea.

The Child Desk continued to work in 2 child protection pilot sites in Tanna and Erromango, and also launched a third pilot site in North Pentecost in July 2016 with the support of UNICEF and Ministry of Youth and Sports Development and Training. The overall objective of the pilot project is that communities have the knowledge and skills to work together to protect children from all forms of violence, abuse, exploitation and neglect, so that all children grow up in a safe environment. This will be achieved through: ensuring that Community Child Protection Committees and community members have the understanding and skills to prevent, identify and respond to child abuse, linking communities and provincial service providers to ensure effective coordination and continuum of care, and developing clear and relevant referral pathways.

In 2016, a Community Child Protection Committee was established in Pentecost, and work-plans and M&E frameworks were developed for all 3 sites. Our Child Protection Officers and Peer Educator responded to 30 cases.

The Child Desk is an active member of the Gender & Protection Cluster, which meets fortnightly to coordinate emergency preparedness and response. To build national capacity in Child Protection in Emergencies, Child Desk and UNICEF ran a Child Protection in Emergencies (CPiE) training in June using UNICEF Pacific's "Child Protection in Emergencies toolkit: A Toolkit for Practitioners in Pacific Island Countries". 31 government and NGO staff based in Port Vila, Erromango, Tanna and Santo participated in the training.

The Child Desk Officer also delivered a half day training on CPiE to the Tafea Provincial Disaster Committee during a workshop organised by CARE International in October 2016. Follow up trainings on CPiE will be conducted with provincial and community level committees in Tafea in 2017.

Key Challenges

The scope and ambition of the National Child Protection Policy highlights both the enormity and urgency of the Child Desk's mission. In 2016 we welcomed a renewed interest in child protection work from many partners, but the Child Desk remains limited in both financial and human resource capacity to effectively address children's issues. As such the Child Desk is reliant on donors for funding and partners and key stakeholders to support implementation.

These challenges and limitations have led to the development of some strengths in the form of a strong partnership with the Department of Youth and Sports and donors, and positive coordination between government agencies and civil society through the National and Provincial Child Protection Working Groups.

Building a strong child protection system in Vanuatu will require high level leadership to secure the commitment and investment of multiple government and non-government stakeholders, working in concert to ensure both continuum of care for child victims and consistent messaging about prevention, early intervention and recovery.

The Budget

The Desk's annual recurrent budget is **VT 2,000,000**. This annual budget allocation does not cover the implementation of many 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 (and policy development, other key achievements and priority areas). The Desk received an amount of Vt.6, 121,548 from UNICEF for the Child Protection Pilot Program for the year 2016. The Desk also received support from Australian Aid's Law & Justice Program, *Stretem Rod Blong Jastis*, an amount of Vt.2, 301,358 for the development of the National Child Protection Policy.

In 2016, the Child Desk, with support from MJCS Corporate Services Unit, advocated to increase the recurrent budget to enable wider implementation and government ownership of child protection activities. A supplementary budget of VT1, 500,000 was allocated for 2016 (although much of this budget was frozen by Department of Finance before it was spent), and will be included in our recurrent budget for 2017.

Staff

The Child Desk is staffed by one National Child Desk Officer and two Provincial Child Protection Program Officers, funded by UNICEF, at Tafea Pilot Sites (Port Narvin, Erromango & Loanapkamei/Lenakel - Tanna). In February 2016, an Australian Volunteer for International Development (AVID) joined the office as the Child Desk Support Officer for a period of 12 months.

Under the Ministry's structure, and with support from UNICEF, process has started to recruit 2 additional Provincial Child Protection Officers, to be based in Santo and Port Vila from 2017.

Performance against the 2016 budget narratives

Description	Qty	Unit of Measure	Comments
Provide the <u>CRC</u> , CRPD and CEDAW report at UN Convention	3	Internationally accepted report	The MJCS with support from the National Human Rights Committee (NHRC) finalised and submitted the CRC Report for Vanuatu in June 2016 along with 2 Optional Protocols.

Focus for the Year Ahead

The Child Desk will work across policy, legislation, coordination and community levels in close partnership with the Ministry of Youth and Sports Development and Training, UNICEF, and other key stakeholders in 2017. We will be focusing on implementing the following priority areas of the National Child Protection Policy.

1. Legislative Change

- Work with MJCS, Vanuatu Law Commission, and key stakeholders to draft a Child Protection Bill and present to State Law Office.
- Begin consultations for the development of a National Children's Policy.

2. National and Provincial Coordination

- Continued leadership and strengthening of the National and Provincial Child Protection Working Groups.
- Support UNCRC report process, including responding to questions, preparation for dialogue and implementation of concluding observations.

3. Child Rights and Child Protection awareness

- Continue and scale up implementation of the *Our Children Are Our Future* community facilitation package in 4 provinces.
- Support and coordinate national campaigns and communications strategies relating to child protection.
- National Children's Day celebrations in 6 provinces.
- Increase awareness of the National Child Protection Policy

4. Prevention & Early Intervention Programs

- Continue pilot program activities in Tanna, Erromango and Pentecost. Improve planning and implementation of activities and monitor outputs.
- Conduct study on CP pilots (Save the Children and Government) to develop evidence-based model for national scale-up.

- Child Protection in Emergencies trainings for pilot communities and Provincial stakeholders (PDCs / PCPCs) in Santo, Tafea and Pentecost.

5. Response and Referral System Strengthening

- In consultation with key service providers, develop a national child protection referral system and implementation strategy.
 - From 2017 the major focus of the Child Desk will be implementing this Policy alongside relevant government and non-government partners.
6. Implementation of the National Child Protection Policy alongside relevant government and non-government partners in 2017.

Disability Desk

The Disability Desk Operates under the Ministry of Justice and Community Service and is responsible for the coordination of the implementation of disability related policies and program, including the United Nation Convention on the Rights of Persons with Disabilities. The Desk coordinates effort to ensure the protection and empowerment of people with disabilities is addressed at the national level through the strengthening of partnership among government agencies, NGOs and CSOs.

Key Achievements

- **Legislation Review:** In 2015, the Disability Desk began the process of a disability compliance legislative review. Technical assistance was provided by the Pacific Islands Forum Secretariat (PIFS) and the UNESCAP. It took 6 months to review and in May 2016, during a second joint mission to Vanuatu the report was finalised and submitted to the Ministry of Justice and stakeholders in August 2016.
- **Penama Disability Workshop & establishment of Provincial Disability Committee:** In March 2016, the Disability Desk and stakeholders conducted a week long workshop on disability in Penama Province and formed the Penama Provincial Disability Committee. The Committee is made up of 5 females and 11 males including 2 people with disabilities.
- **Community Based Rehabilitation (CBR):** The desk supported service providers to conduct CBR activities in the islands of Efate, Tanna, Malekula and Ambae. These included client assessment, distribution of wheelchair and walking aid, and data collection of people living with disabilities.
- **Visit from the Australian Joint Therapy Team:** A team of 9 health professionals from Perth, Australia, travelled to Malekula where they visited 28 people with varying disabilities. Nearly 80% of those visited were adults, 19 male and 9 females. The team included 1 doctor, 2 physio therapists, 2 speech therapists, 3 occupational therapists and a counsellor.

- **International Labour Organisation's (ILO) 'Start Your Business Training for Persons with Disability in Santo:** ILO in collaboration with the MJCS and VCCI conducted a week long training in Santo for persons with disabilities from 22nd – 26th August 2016. A total of 20 participants with varying disabilities attended, 8 females and 12 males including 2 facilitators.



Participants at the ILO "Start Your Business Training for Persons with Disabilities", Santo

- **Participation at the International and Regional Training & Meetings:** This year the Desk participated in some regional and international meetings and trainings related to people with disabilities. In September 2016, the Desk Officer attended the 2nd World Congress on Disability held in Kuala Lumpur, Malaysia.
- Motivation Australia (MA) is an Australian owned NGO specialized in service provision of disability equipment. They have signed an MOU between the MOJCS, MOH, and the Vanuatu Society for People with Disabilities and Sanma Frangipani Association to support with the provision of wheelchairs and other devices for a period of two years. MA currently funds the Data Officer who works with the Disability Desk at the MJCS and collects data for the Desk.

Clients Age: 166 (24 January 2017)

Age Range	Male	%	Female	%	Total	%
0-5	4	2%	4	2%	8	5%
+6-18	15	9%	8	5%	23	14%
19-39	21	13%	10	6%	31	19%
40-54	22	13%	13	8%	35	21%
55+	40	24%	29	17%	69	42%
Grand Total	102	61%	64	39%	166	100%

- **Celebration of the International Day of Persons with Disabilities:** Every year in December, Vanuatu joins the world to celebrate World Disability Day. This year, the Government through the Disability Desk and with support from DFAT funded SRBJ Program, the Disability Desk co-coordinated with its provincial stakeholders and celebrated in 5 provinces.



International Disability Day Celebrations in Penama Province - December 2016

1. Key Challenges

- National and Provincial coordination is still lacking
- Difficulty working with regional partners to finalise National Disability Policy
- Delay in recruiting Disability Officer in the province contributed to lack of coordination at the provincial and national levels
- Limited funding to support service delivery to the islands that have not been visited in the past 10 years
- Unavailability of appropriate equipment needed by clients

2. The Budget

The Desk's overall budget in 2016 was VT4, 000,000 through government funding, however an additional donor support of VT2.5Million from DFAT funded SRBJ Program was also used to support activities and community service delivery for persons with disabilities across Vanuatu.

3. Staff

In 2016, the Disability Desk had 4 staff, 1 permanent staff, 2 contract staff and 1 Australian Volunteer who completed his 1 year volunteer assignment with the Disability Desk and returned to Australia in December 2016.

4. Performance against the 2016 budget narratives

Description	Qty	Unit of Measure	Comments
Provide the CRC, CRPD and CEDAW report at UN Convention	3	Internationally accepted report	The MJCS with support from the National Human Rights Committee (NHRC) finalised and submitted the CRPD Report for Vanuatu in June 2016

5. Focus for the Year Ahead.

- Recruitment of 12 Disability Desk Officers for the 6 provincial centres to support progression of disability initiatives at the provincial and community levels. 1 community officer and 1 compliance officer per province.
- Disability Desk to increase its visibility and coordination at the different levels- from the national to the community level.
- Negotiate with the government to increase Disability Desk annual budget for increased and timely service delivery to remote communities in all six provinces rather than depending on donor funding.
- Finalise and launch the National Disability Policy
- To have the Legislation drafted and have the Bill passed in Parliament – in November 2017.
- Plan and celebrate International Day of People with Disability in the provinces.

Our Constitutional Bodies Delivery of Services

Malvatumauri Council of Chiefs

The Malvatumauri Council of Chiefs was established under 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 on matters relating to *kastom land*, *kastom* and tradition and the preservation and promotion of the Ni-Vanuatu language. The National Council of chief Act No 10 of 2006 defines the roles and functions of the council and it is intended to safeguard the harmony and peace in the society.

The Vision & Mission:

Our vision is to promote and preservation of customary system throughout Vanuatu as the foundations for a fair and just society.

Our mission is to preserve and promote the culture and languages of Vanuatu, to support, facilitate and encourage customary system and practice throughout the country and uphold custom and tradition in all areas of life.

Our objectives are:

- To preserve and promote the culture and languages of Vanuatu
- To support facilitate and encourage customary system and practice throughout Vanuatu

- To utilize traditional and customary system as a means of resolving the customary land dispute.
- To ensure that the effect operation of Malvatumauri through appropriate level of human, financial and physical recourses

Key Achievements

- A new historic page of the National Council of Chief was the rebuilding of the Monumental Chief's Nakamal damaged by the TC Pam in 2015. Since the demolition of the Nakamal in April 2016, reconstruction of the Nakamal took almost 10 months to be completed and was officially opened in 5th of March 2017 in joint celebration with the National Chief's Day. The re-construction project was fully funded under the recovery project fund from the Vanuatu Government. The new additional facilities such as new chamber and new office will be operational by early 2017.



- Following the MOU developed by Vanipo (Vanuatu Intellectual Property Office) and Malvatumauri, to safeguard the manufactured properties and protection of custom trademarks in the business sector; a massive consultation program of the proposed new legislation on intellectual property was conducted in most of the islands of Vanuatu. It's planned that the new legislation on the intellectual property will be finalized and forwarded to the parliament in 2017. 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.
- After the Launching of pilot in Loltong in 2015, four other islands; Ambae, Tanna, Malo, and Efate had been identified and launched with continuous activities for piloting of 19 Resolution from June to December 2016. Both Ministries of Land and Justice, and the Malvatumauri office have been implicated in the launching of the program and it was shown that the outcome was very outstanding. Each of these islands have finalized all their customary areas with custom authorities being approved by the chiefs and people of the islands concern. This will facilitate the process of dispute resolution in the land dealings.

- Continuous awareness and training of chiefs in both customary governance and the implementation of the new CLM act has been conducted in various islands by customary lands officers and members of the island council of chiefs.
- For the first time since the establishment of the Malvatumauri office, a new Structure of the institution was finally approved and is due to be implemented by 2017. A budget submission for 2017 has been submitted and an approved budget have been considered for the implementation of the new structure in 2017
- A laying of stone to mark the establishment of new administration base of island council of Erromango and Guaua has been made as part of the infrastructure implementation strategies plan of the institution. It is expected that all island council administration bases will be finalized by 2018.
- The first ever Council of Chiefs of Vanuatu in New Caledonia was set up. It is envisioned that a similar process will be used to facilitate the establishment of a Council of Chiefs of Vanuatu in Fiji. Various ex-change programs and visits have been made to New Caledonia as part of the establishment of linkages between Council of chief of Vanuatu in New Caledonia and the New Caledonia Custom Senate.
- Additional revenue generation activities such Kava bar of the Chief's Nakamal have been established and will continue to support into the internal development plan and administration purpose in the upcoming year.

Key Challenges

- Ongoing lack of support and resources, particularly human resource and budget to support implementation of plans.
- current institutional capacity consisting of only 4 staff is not enough to fully implement the expected workforce plan of the institution as such, the daily 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. 2 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.
- Funds being made available to MNCC to allow for the smooth implementation of the 19 resolutions in all island council of Vanuatu.
- Budget constraint for the Council of Chief annual sitting
- The position of the Chief Executive Officer of the MNCC is still filled in on acting basis and needs to be finalised.

Our Budget










The Malvatumauri'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 Malvatumauri. 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).

Two new compliance officers on governance have been engaged and will be appointed permanent in 2017 as part of the strengthening capacity plan of the institution.

Our performance against the 2016 budget narratives

Description	Qty	Unit of Measure	Rating	Comments
Reviewed Malvatumauri administration structure approved by the PSC	1	1 Approved structure		Structure has finally being approved
Bills related to kastom, culture and land brought before Malvatumauri Council prior to Parliament	70			Still to be finalised
Increase in revenue generation for Malvatumauri	1			Completed as part of infrastructure development plan
Council Meeting	1			An ongoing activity
Complete identification of heads of nakamal and Kastom Area and their boundaries for island locations	70 2			4 major islands (Tanna, Ambae, Efate and Malo) identified.
A collaborative process of accountability is agreed upon	1			Agreement over collaborative accountability done
Meetings held	10			More than 15 executive meetings held
The collaboration is implemented in the island and urban councils	50%			Have started the process
Allowances paid	31			Done

Our Focus in the Year Ahead

- Continuous development and implementation of Infrastructure Development Plan
- Implementation of the organisation structure as per the new approved structure.
- Improve our institutional revenues strategies plan.

Our Statutory Bodies Delivery of Services

Customary Lands Management Office (CLMO)

The Customary Lands Management Office is located at the building of the Malvatumauri at Saralana Numba 2 area. It's headed by the National Coordinator and assisted by two Principal Officers, one of which is based in Vila managing the Provincial Customary Lands Officers in the southern part of the Country, while the other is based in the Northern Provincial Office in Luganville to supervise the northern Provincial Customary Lands Officers.

The core function of this office is to facilitate customary land dispute resolution, but the resolution exercise requires the partnership and effort of the Malvatumauri council of chiefs and island council of chiefs to be able to carry out its operations successfully.

Our mission remain unchanged which 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 (Customary Land Management Act No, 33 of 2013) provides clear guidelines and procedures for determination of custom owners and the resolution of disputes over ownership of custom land by customary institutions. But the other related Act for example the Land Reform Amendment No. 31 of 2013 Act also mandates our office to facilitate the determination of custom owners and the resolution of disputes over ownership of custom land that are triggered by the new lease process. The final decisions of the customary institutions which are not challenged become '**recorded interests in land**'.

Below is a summary of key achievements and challenges faced in the office in 2016.

Key Achievements

- **Our Organisational structure:** It has been revised in 2016, however pending approval from the PSC Office, but to address our human resources issues to cater for the changes in the Customary Land Management Act (CLMA), we engaged officers on contractual arrangement to fill important positions. We have created 12 new positions instead of 8 as been planned in 2015. It is anticipated that our organisational structure will be approved earlier this year to facilitate the process of recruitment
- **Scanned over 200 land document in 2016:** The total number of land document scanned so far is over 600. It is expected that we would complete the rest of the documents in June. In addition we have also stored over 344 data/document on salmon respectively. Out of this figure, around 348 were related to complaints, issues and land cases. We categorize them according to each island as follows; Ambrym 8,

Malekula 91, Paama 5, Aore 2, Luganville 1, Malo 10, Santo 63, Efate 29, Emau 1, Epi 26, Nguna , Port Vila Urban 2 , Tongoa 4, Erromango 15, Tanna 37, Aneytium 2, Aniew 1 Ambae 27, Maewo 1, Pentecost 13, Banks & Torres 8 .

- **OCGIO has developed a database for the CLM Office which is still uncompleted:** The system was tested by the officers in 2015 and 2016. It is expected to be completed in June.
- **Training of Adjudicators:** Trained over 500 adjudicators ,including Head of Nakamal and Secretaries on the four island namely; Efate (NW Efate custom area Nape custom area, and Emau custom area) Malo, (East and west custom area), Tanna (Narak Neprainetata Custom area and , Neprainetata Custom area) Ambae (West, Tokatara custom area, North Talgare takaro custom area , East Longue takaro custom area and South Vatuelu custom area) The total adjudicators, trained to date is around 900.



Adjudicator's training, Big Bay, Santo.



Adjudicators Training - Tokatara custom area, West Ambae

- **Educational materials revisited and done.** Our office printed and disseminated over 200 copies of different types of information on fly, brochures, posters and flow charts to primarily 6 islands namely; Malo, Santo, Ambae, VauaLava , Tanna and Malakula. The training modules were also revisited; however the component of the kastom training on land is still outstanding and need support. Over 500 copies of Land Acts were distributed
- **Implemented a pilot project:** This is to test the implementation of the law. The aim was to trial its procedures and process, check whether the effort from the chiefs are genuine, the scope of the financial support are sufficient and whether the role of the office is practical or workable, and if not what other alternatives exist. The Pilot were carried out on Malo, Ambae, Tanna & Efate
- **Pilot activities:** These were carried out on Malo, Ambae, Tanna & Efate and some parts of Santo and Ambrym. The activities included confirming of custom boundaries, establishment of Nakamals, Identification of Heads of Nakamals, held meetings to write kastom land laws, awareness outreaches, validation of a list of 'true' chiefs,

standard training for adjudicators, and facilitating court hearings. To date Malo is 100% completed, Ambae is 95% completed, Santo 10%, Ambrym 50% while Tanna and Efate have only completed over 40% of their activities

Key Challenges

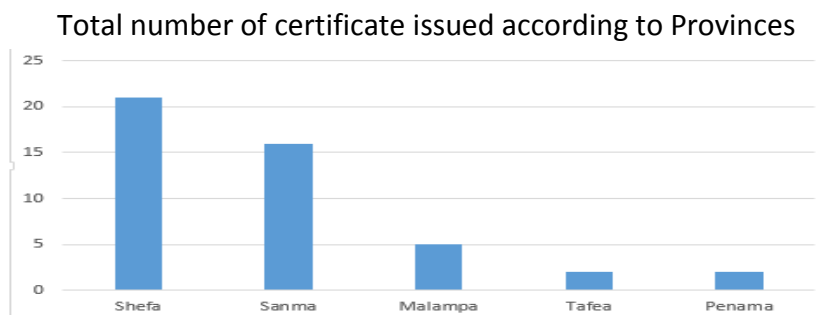
- **The implementation of the new CLM Act:** The implementation of the new CLM Act and its related Act are carried out mainly in the pilot's sites areas. The first pilot sites were chosen back in 2014/2015. Following the non-completion of the implementation during the first pilot sites, Efate and Tanna have been extended to 2017 to complete. The only new sites that were selected as our second pilot sites were Ambae and Malo. Given the structure of the Land Acts to be implemented by both CLMO and the Department of Lands, the first thing which we were able to put in place was a system to work collaboratively. However the process is slow and lengthy on the chief's side when resolving land cases via the Nakamal or Custom Area Land Tribunal process

The slow process is evident in the following:

- **Non confident on the procedures and process of dispute resolution:** It is evident that many chiefs are still not confident on the procedures and processes, in addition they are yet to familiarize themselves with the new changes. As a result it could take a while before they will be able to kick start the due process to resolve land cases.
- **Governance system:** The weak governance system in some areas is a contributing factor in implementing the Act, for example at some places on Efate located close to the Urban centre, the issue of the Head of the Nakamal is still unresolved; places like Mele, Erakoro, Sirviri and Forari. On the other hand rural areas out of the urban centres have been facing arguments over custom boundaries, the boundaries or jurisdictions of big and small Nakamals.
- **Financial constraint:** Finance is still our prime challenge; 3 permanent positions are vacant. Despite a slight increase in our budget in 2016, the Office of the Land Ombudsman utilised some of our budget; therefore our operational budget has not been flexible enough to handle our activities including our office's administration. Our financial constraints has implications on reaching out to new areas, additional human resource, travel costs, training and outreach programs for chiefs and adjudicators.
- **Database system:** The CLMO Database was developed by Garae Vorabaravu in 2015 however, due to his fulltime job engagement, the system was not completed and another person was taken on board. Unfortunately, the system was still not finalised due to ongoing financial constraints.
- **Putting up Billboards:** This is a new concept under the Land Reform Act Section 6B. The process of Billboards has occurred only in few islands. In Shefa, Efate over 20 billboards, In Sanma, Santo has 4, Malo has 1, Penama, Pentecost has 1, Malampa, Ambrym has 1, Tafea, Tanna also erected 1. The challenge regarding Billboards is largely related to financial constraint as it costs each time a new board is created and erected. The more sites we have the more billboards would have to be created and erected. Apart from

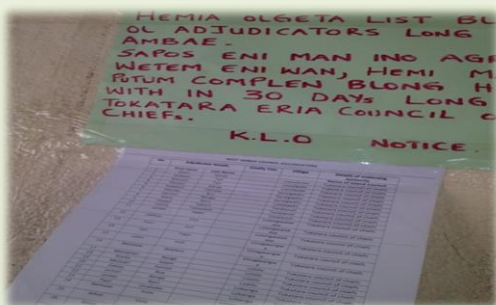
Billboard process, our office has facilitated few nakamal cases⁸ these were purely done in accordance with Customary Land Management Act.

- **Certificates of Recorded Interest:** In addition the office has a responsibility to issue Certificate of Recorded interest in land. The office has received over 40 applications of which only 30 Certificates were issued. The other applications were not eligible as they did not meet the requirement stated in the CLM Act. A total of 46 green certificates issued altogether. Shefa province 21, Sanma province 16, Malampa province, 5, Tafea province 2, and Penama province 2.



Number of certificates recorded interests in land by Province in 2016.

- **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. Out of the 2,000 chiefs and adjudicators to be trained, only 40% were trained and another 60% are yet to be trained.



List of adjudicators on notice board for public comments.



Education, Outreach and training materials

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

⁸ 5 being heard at Nakamal level and competed

- 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 in the islands and the head office.
- Chiefs not fully 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 misleading especially when a declaration is made outside the process as stipulated in the Land Management Act









Our Budget



The CLMO recurrent budget in 2016 was VT 32,500,755, Out of the Total, over VT: 6,000,000 was consumed by the office of the Land ombudsman.

Our Staff

There are a total of 14 staff; 11 permanent staff and three contract staff. 6 of these are Provincial Customary Land Officers.

Our performance against the 2016 budget narratives

Description	Qty	Unit of Measure	Rating	Comments
Communication and Education Plan developed and implemented	1	Set of document		Communication and Education plan developed and implemented.
Training plan developed and implemented	1	1 training schedule		Training schedule implemented and reported
Listings of Chiefs, Adjudicators and Secretaries	200 250 50	No. of Chiefs No. of Adjudicators No. of Secretaries		The total number of chiefs, adjudicators and secretaries being trained in 4 sites, but training also held outside the pilot sites, e.g. Big Bay Bush. The target for adjudicators for 2016 was exceeded.
Mediators appointed	50	No. of mediators		This activity was not done due to the CLO's overload with other responsibilities
Community Land Officers appointed	60	No. of CLOs		Only 5 CLOs were appointed. The provision in the Act need to further explain to the different commissions to release officers in the provinces.
Capacity Development Plan developed and implemented	1	No. of Plan		Capacity Development Plan developed and implemented
Land cases administered and supervised Nakamal cases a	30	No. of cases		Out of the total figure, 3 are normal Nakamal cases that were completed as per CLMA, the rest are for lease purpose and still ongoing as per CLM Act and LR Act, but only 6 completed. Financial constraints and weak governance systems are contributing factors.
Billboards erected on land disputed sites	20	No. of billboards		More than 20 Billboards erected on land disputed sites per LR Act, the majority were on Efate.

Recruitment of 3 staff finalized (Training, Data Entry Officers and Land Reform Admin)	3	No. of litigation matters		All 3 staff recruited on contracts basis. Training and Data Entry officers will advertise in 2017 and the Reform Admin is pending PSC approval.
Litigation matters supported and reported on	20	No. of litigation matters		The National Coordinator is responsible for Litigation matters. In 2016, we dealt with more than 201 cases.

Our Focus in the Year Ahead

- Continue pilot sites implementation
 - Facilitating court cases on Efate, Ambae , Malo and Tanna, including new area of pilot sites such as on Malekua ,Vanualava and Gaua ,however pending pilots area would be considered depending on the situations and circumstances that may raised
 - Compile reports on the lessons learnt from the awareness, trainings and facilitation of Courts on Pilot sites.
 - To complete unresolved cases
- Continue work on the Review of Customary Land Management Act
 - Complete draft amendment on Act
 - Consult amendment with both Ministry of Lands and Ministry of Justices & community services
- Human resource development
 - Continue to implement revised structure -Recruit to fill up senior and urgent positions in the CLMO
 - Secure additional funds to support the recurrent budget
 - Document project proposal paper requesting additional fund from donors partners
 - 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
 - Renovate Head Office
- Support provincial CLO
 - Provide finance & technical support to the CLO
 - A vehicle of the CLO , Malampa
 - Purchase three(3) quad bikes for the Province CLO

Office of the Land Ombudsman

The year 2016 marked the second year into the function of the Office of the Land Ombudsman after its establishment in December 2014 continued to receive complaints in 2016 and it continued to ensure that corruption is curbed and eliminated in the process of land dealings in Vanuatu.

Despite the fact that there was little budget allocated and with the absence of an office structure and recruitment of the envisaged officers the functions performed by the Land Ombudsman continued steadily throughout 2016. The Office is currently located at the Ministry of Justice and Community Services office.

Key Achievements

- One of the key achievements in 2016 is the fact that the Office continued to receive complaints. This is evident by the number of files that were opened for individual complaints received. The office received an average of 3-4 complaints per week of which most are returning complainants as there are a lot of investigations that were required to be carried out. The following are density load in % of complaints by Provinces:

PROVINCES	% of complaint out of 100%	Nature of Complaint	Nature of resolving complaints % Rate of success in resolving complaints	% rate of procession in resolving complaints out of 100%	% pending resolutions of complaints
SHEFA	50%	Process of identification by Tribunals and Nakamals	Investigations and referrals	25 – 30%	15 – 20%
SANMA	30%	Same as above	Investigations and referrals	10%	20%
MALAMPA	10%	Same as above	Investigations and referrals	5%	5%
TAFEA	10%	Same as above	Investigations and referrals	4%	6%
PENAMA	0	-	-	-	-
TORBA	0	-	-	-	-

Worth noting are the descriptions of the three (3) process stages below;

Referrals of Complaints: - After receiving complaints, the Office went into investigating the substance of the complaints and were appropriate referred the complaints to the appropriate authorities to deal with the complaints for resolution

Investigations of complaints: - The Land Reform (amendment) Act allows a period of 21 working days for any investigations to be carried out. The summation of the investigations for the complaints is time consuming.

Pending Resolutions of complaints: - This only implies that investigations are not yet done and are in line waiting for investigation to be carried out.

Key Challenges

- The main challenge faced by the Office of the Land Ombudsman in 2016 is the budget to support the functions of the Office. The budget only caters for the Salary of the Land Ombudsman and his Housing Allowance and an operational budget not exceeding 1.3 million vatu. The budget issue led to the impossibility of establishment of Office space, Structure and recruitment of the required staffs. Despite this challenge the complaints kept flowing in which also resulted in an overload of works borne by the Lands Ombudsman.
- The second main challenge faced by the Office is the fact that the budget issue faced is beyond the control of the Land Ombudsman. It is worthy to explain that the functions of the Land Ombudsman are part and partial and complimentary to the functions of the Customary Land Management Office (CLMO) in implementing the requirements of the Land Reform (amendment) Act No 31 of 2013. This means that the Office of the Land Ombudsman cannot function to implement its roles as specified and stipulated under the Powers and Functions of the Land Ombudsman within the Act as mentioned unless the Customary Land Management Office (CLMO) fully functions in managing all customary lands in Vanuatu. The CLMO required sufficient budget to perform its functions fully which is the reason why budget priority had been given to it. The implication is that if the full budget is given to Land Ombudsman and recruitments done – really they will have no works to carry out if CLMO does not have the required budget to fully perform its roles.
- The third challenge is the fact that all the complaints received in 2016 (and in 2015), 98% of them were not within the jurisdiction of the Land Ombudsman to deal with or rather do not fall within the stated grounds of functions of the Land Ombudsman according to the Land Reform (amendment) Act No 31 of 2013. The Act gives power to the Land Ombudsman to investigate complaints only on specific areas of (a) New Leases, (b) Change of Lease Types and (c) New Subdivisions. The reason why these complaints did not fall within the powers and functions of the Land Ombudsman is because Customary Land Management Office (CLMO) is not functioning fully to manage the identification of the custom owners due to budget issue – i.e.; budget shortfall or constraints. The Land Ombudsman can only begin to function following complaints pertaining to the channel of complaint based on the functions of CLMO.

Our Budget

The Land Ombudsman's budget for 2016 still came from CLMO Budget.

Our Staff

There was still only one staff in 2016 who is the Land Ombudsman.

Our Focus for 2017:

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

Vanuatu Law Commission

The office of the Law Commission is an independent statutory body, which is mandated by an Act of Parliament. The core function of the office is provided for in our Act;

Functions of the Commission

The function of the Commission is to study and keep under review the laws of Vanuatu and to recommend reforms particularly in respect to:

- (a) The removal of anachronisms and anomalies; and
- (b) The reflection in the law of the distinctive concepts of custom, the common and civil law legal systems and the reconciliation where appropriate of difference in those concepts; and
- (c) The development of new approaches to and new concepts of the law in keeping with and responsive to the changing needs of Vanuatu Society, of groups within that society and of individual members of that society.

The focus of the office is to review pieces of legislation, and make recommendations where necessary in order to ensure that the recommendations made are current and address issues in today's society. Most of our reports are evidenced based policies.

Key Achievements

The Law Commission is fairly new in its establishment, however the office has been successful in carrying out reviews in a short space of time (2012-2016), those reviews include;

- (1) Public Health Act 1994
- (2) Dangerous Drugs Act 1939
- (3) Water Supply Act 1955
- (4) Water Resource Management Act 2003
- (5) Penal Code 1981 (focus on sexual offences, customary reconciliation)
- (6) Civil Status (Registration) Act 1971
- (7) Law Commission Act 1980
- (8) Ombudsman Act 1999
- (9) Leadership Code Act 1998

VLC signed an MOU with Australian National University (ANU), the focus is mainly to develop and enhance the skills of the Legal staff of VLC. The MOU is for 5 years commencing April 2016 to 2021 and support will come through trainings and information sharing.

Key Challenges

Challenges faced in 2016 by VLC, firstly our Commission's term ended in April and from then on we have been without a functioning Commission for the remainder of 2016. It was a challenge when the office became short staffed due to one of our officers going on study leave and another on maternity leave, this meant that the office was down to only 3 legal staff to continue carrying out the key functions of the office. This became even more challenging as the office was working two big legislative reviews, thus the review process was prolonged due to the shortfall in legal staff.

Second challenge for 2016, was trying get the information out to all government Ministries and departments of the work and role of the Law Commission, especially with regard to how they needed to comply with our office procedure on how to send in your request, as we have specially developed TOR template that any government office or outside body or person must fill out before they can make a request to the VLC. This is still an on-going matter and VLC is working very hard to ensure that the information goes out to every government office on this process.

The third challenge is an on-going matter between the SLO and VLC on harmonization of the functions of the two independent offices. On many occasions, SLO informs government offices that they must prepare their own policy papers before any legislative changes can be made to their act. However the challenge here is getting SLO to understand that the work VLC does as a reform law agency of government is to produce reports that are evidence based policies in themselves. We have carried out the ground work, by completing the legislative review on behalf of the requesting government agency. This is a matter that hopefully can be resolved soon.

Budget

Law Commission Annual Budget	<u>15,355,435</u>
Salaries & Other Allowances	11,708,850
Operations	3,646,585

As shown in the table above, the VLC Annual budget for 2016, was not sufficient to allow for the VLC to fully function and to fill up the much needed vacant positions within the organizations.

Staff of the Law Commission

Positions Occupied

Bertha E. Pakoasongi	Female	Secretary
Powrie Vire	Male	Senior Legal Researcher
Nadya Robert	Female	Senior Legal Researcher
Gracelyn Tasso	Female	Legal Researcher
Charlie Mangawai	Male	Legal Researcher
Lessy Tavala	Female	Administrative Assistant/Finance officer

As shown in the table below there are a number of vacant positions within the Law Commission office structure that need to be filled in, this means that the government must ensure that these positions are fully funded so that recruitment process can begin. The service the agency provides is one that is vital to the State and to the people of Vanuatu.

Vacant		Principal Legal Researcher
Vacant		Assistant Senior Legal Researcher
Vacant		Assistant Senior Legal Researcher
Vacant		Legal Researcher
Vacant		Legal Researcher
Vacant		Office Manager

Performance against the 2015- 2016 Annual Report

Description	Quantity	Unit of Measure	Comments
Law Commission Amendment Act to be reviewed and amended	1	No. of Act Reviewed and Amended	Law Commission Amendment Act tabled in COM.
Coordinated Law Reform process to be established with government and NGOs	3	No. of reports produced on reforms	3 reports completed
Complete 4 legislative reviews	4	No. of reviews conducted	3 legislative reviews were carried out
Coordinated awareness programs for the Law Commission during legislative reviews	4	No. of awareness programs conducted	3 community awareness programs carried out.
Recruitment of more staff to the Law Commission	2	No. of signed contracts	No new staff recruited in 2016.

Focus for the year ahead

The focus for 2017 is to work with the new Law Commission members for the next 3 years to ensure that the service we provide is of the highest standard. The focus is currently on commencing work on 2 new legislative reviews in the first quarter of 2017.

VLC will be working on carrying out awareness and consultations during the implementation stage once our new amendments have been gazetted for the Law Commission Act. At the same time ensuring that relevant information is disseminated to ensure that the functions of the Law Commission is understood by everyone concerned and the services VLC provides is accessible by everyone.

The agency plays a very important role in ensuring that the government is provided with the highest quality evidenced based policies and sound recommendations for legislative reform to assist the country in moving forward in its development.

Other agencies that we support

State Prosecutions Department (SPD)

The State Prosecutions Department (SPD) is a Unit of the Vanuatu Police Force reporting through the Southern Command Structure. The key function of the SPD is to ensure that criminal cases



are effectively and efficiently prosecuted in the magistrate's court without unnecessary delays. The SPD works in close cooperation with the Office of the Public Prosecutor and the Public Prosecutor provides some level of management and strategic guidance to State Prosecution's Department. The Department's operational and administrative costs are co-budgeted for by both the Vanuatu Police Force (VPF) and the Office of the Public Prosecutor's Office (PPO).

Key Achievements

- Human Resource: 2 new staff were recruited to the SPD in 2016 making the number of staff increase from 11 to 13 for the whole SPD team across the country.
- Process mapping of case progression was done with support from SRBJ which helped to shorten the process cases would normally go through. The case

management system has been considerably simplified and streamlined as a result of the improvements made.

- From Shefa alone 555 cases were received in 2016. This is a positive indication that people are able to access the services that SPD is providing thus, meeting one of the JCSSS strategic objectives 'access to justice' at that level for some people. However, the challenge at hand is for progression of these cases through to completion.
- 99 cases completed and closed
- Appointment of a new state prosecutor (Malcom) in 2016.
- One posted female prosecutor added to the team
- Bar Readers Course was attended by 11 participants for one week in June 2016.
- 3 SPD prosecutors attended a week long regional training of trainers' workshop in February 2016 in NZ. The training was on trial techniques. The same training was then conducted at the Police College in August 2016 facilitated by the 3 members of SPD.
- The Public Prosecutor organised in-house training 'Continuous Legal Education (CLE)' for both the PPO lawyers and the SPD Prosecutors every Friday with topics set by the Public Prosecutor.
- Basic French Classes were conducted every Friday for 2 SPD officers who successfully completed the module.
- Back Log of cases: By the end of 2015, there was a backlog of 452 cases. The SPD Prosecutors managed to clear 200 of the cases and are currently left with 252 back-logged cases to deal with.
- 4 SPD staff are currently on scholarship through the SRBJ scholarship program in partnership with MJCS.

Key Challenges

- The office experienced administrative challenges since the passing of the OIC in May 2016. Administrative and operational issues are not being progressed due to the absence of an office manager.
- The office has not had an operational vehicle to progress our work. A major factor that has impacted on the progress of cases and thus resulting in the huge backlog of cases has been the inability to serve summons on time for people concerned to appear in court. SPD has had to depend on other police units who have other priorities and often the summons are not served on time.
- Backlog of 252 cases still pending to be cleared and close cases
- Human resource constraint. The SPD has a small team compared to the number of cases each prosecutor is expected to take on. Currently in Vila there are 4 State Prosecutors and each of them handles between 25-30 cases.
- Budget for SPD is an ongoing issue – currently the staff salaries and utilities is catered for in the Police Department budget and the office stationaries and general maintenance and up-keep of the office is through the Public Prosecutor's Office budget. The situation is not any better in the provincial centres for the prosecutions team.
- The current SPD building is very old and is need of major maintenance including electrical wiring. During the La Nina (wet season) experienced in 2016, the office

experienced some major leaks through leaking roofs and unsecured windows. Office equipment were at risk during the wet season.

The Budget

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

Currently the cost of operations, staff salaries, cost of office utilities such as electricity and water are catered for in the Vanuatu Police Force (VPF), whilst the cost of office stationaries and general office maintenance catered for in the Public Prosecutor Office annual budget. If either of these agencies come under any financial pressure, it is often the SPD that suffers.

Staff

SPD Office Locations	Number of staff as at December 2016
Shefa - Port Vila	7 (3 female, 4 male)
Tanna – Isangel	1 male
Malekula - Norsup	1 male
Saratamata – Ambae	1 male
Sanma/Torba – Luganville	3 male
Total SPD staff across the country	13

Focus for the Year Ahead.

- Appointment of a permanent OIC the SPD for progression of initiatives such as the case management system, administration of the office
- Criminal cases effectively and efficiently prosecuted
- Backlog of 252 cases to be advanced and reduce the figure by 100
- Effectively use the Bail and Rapid Charges System to speed up processes for minor offences to reduce the backlog from 2016. Most of the cases that would use this system/process would be the Domestic Cases which currently are the highest category of cases dealt with and are unnecessarily adding to the backlog of cases.
- Programme North Efate Court Circuit for the office in collaboration with other
- Office Renovation
- Programme Island Court for 2017.

Our Finances

2016 Overview

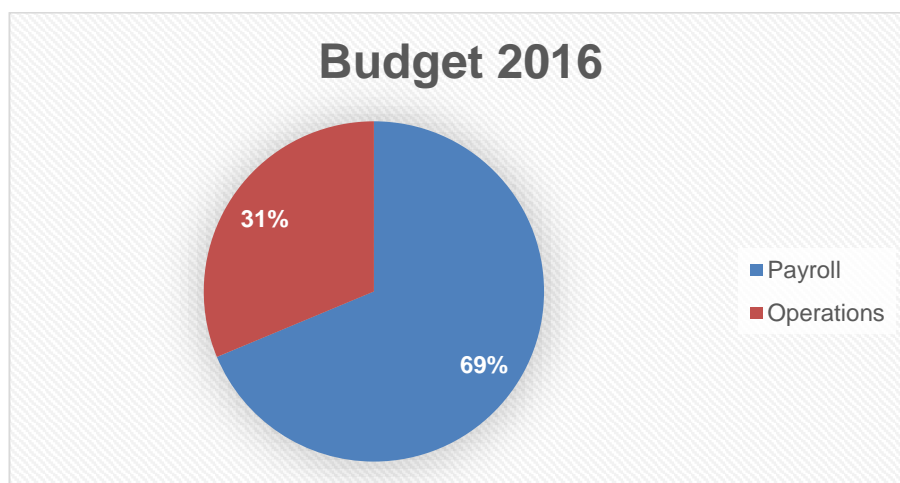
MOJCS received an allocation of VT 351,837,089 in January 2016. This figure is an increase of approximately 6% of the previous year's budget. However the budget was increased again during the year by VT 13,200,000 as supplementary budget allocation. This brought the 2016 budget to a final figure of VT 365,037,089, an increase of a total of 4% from the previous budget.

The increases are allocated to the:

- Cabinet - MJCS – Addition recurrent of VT 5,000,000 to Operational for the community services awareness.
- Office of the Director General (MJCS) – Additional recurrent of VT 3,000,000 to payroll for new establish position in the new structure.
- Disability Desk Unit – Additional Recurrent of VT 1,500,000 to payroll for new positions under Disability Unit in the New Corporate Service Unit structure.
- Child Desk Unit – Additional Recurrent of VT 1,500,000 to payroll for new positions under the Child Desk Unit in the New Corporate Service Unit Structure.
- Customary Land Management Office – Supplementary is for the Land Ombudsman of VT 2,200,000. Operational budget to be VT 500,000 and payroll budget is VT 1,700,000.

The 2016 budget has two core components: Operations and Payroll (see budget break down in Graph 1)

Graph 2: Budget Breakdown in 2016



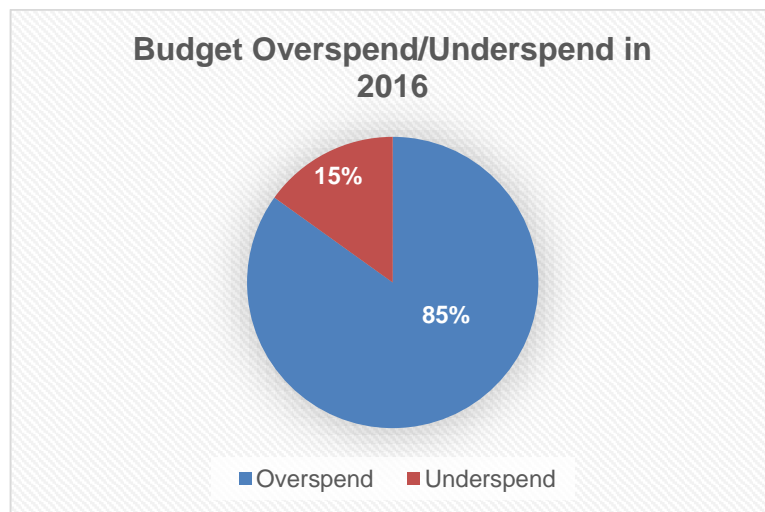
In 2016, payroll took up 69% of the budget and the rest 31% was left for Operations. The Operational Budget supports the normal day to day administration of the office, and funds the implementation of activities in the Business Plans and budget narratives service targets. The Payroll covers salaries and personnel entitlements.

Table 6: Final Budget Against Actual.

Justice Agency	Final Budget	Final Expenditure	Balance Remaining or Overspend
CABINET	45,700,219	50,324,122	- 4,623,903
CORPORATE SERVICE UNIT	38,633,453	38,460,303	173,150
WOMEN'S AFFAIRS	35,678,210	36,118,680	- 440,470
CORRECTIONAL SERVICES	196,515,016	195,719,455	795,561
LAND MANAGEMENT OFFICE	33,097,284	33,311,034	-213,750
VANUATU LAW COMMISSION	15,412,907	15,583,592	-170,685
TOTAL	365,037,089	369,517,186	- 4,480,097

Overspend made in 2016 was only 1% compared to the overspend that amounted to 85% of the total (see graph 2). In 2016, there was an overspend of VT (4,480,097) this was incurred primarily by the MJCS's Cabinet, Women's affairs, customary land management and Vanuatu law commission. Overspend resulted from the unbudgeted expenditures such as Ministers Travelling and vehicle replacement cost for cabinet, International travelling and termination payment cost for DWA, Administration cost for CLMO and office rental and office material cost for Vanuatu Law commission. Additionally, there were some changes to contract wages and allowances that were not budgeted for.

Graph 3: Budget Overspend and Underspend in 2016



Political fluidity remains a consistent trend in the Ministry. In 2016, the MJCS saw one Ministerial change. Also Personal entitlement have increased greatly with overspending cost due to unbudgeted allowances incurred during the year.

3. PAYROLL EXPENSE

Payroll makes up 69% of the total budget. In 2016, payroll overspend amounted to a total of VT (4,526,543). Compared to 2015 overspend, the overspend has dropped down by 35% for the year 2016. Table 2 shows payroll actual to budget from each justice agencies.

Table 7: Payroll Budget Against Actual

Payroll Expenditure			
	Budget	Actual	Under/Overspend
Cabinet	36,092,689	40,668,871	(4,576,182)
Corporate Service	19,431,094	19,243,116	187,978
Women's Affairs	20,879,175	21,329,826	(450,651)
Correction Service	138,581,189	137,891,260	689,929
Customary Land Management Office	24,740,315	24,989,736	(249,421)
Vanuatu Law Commission	11,096,785	11,224,981	(128,196)
TOTAL	250,821,247	255,347,790	(4,526,543)

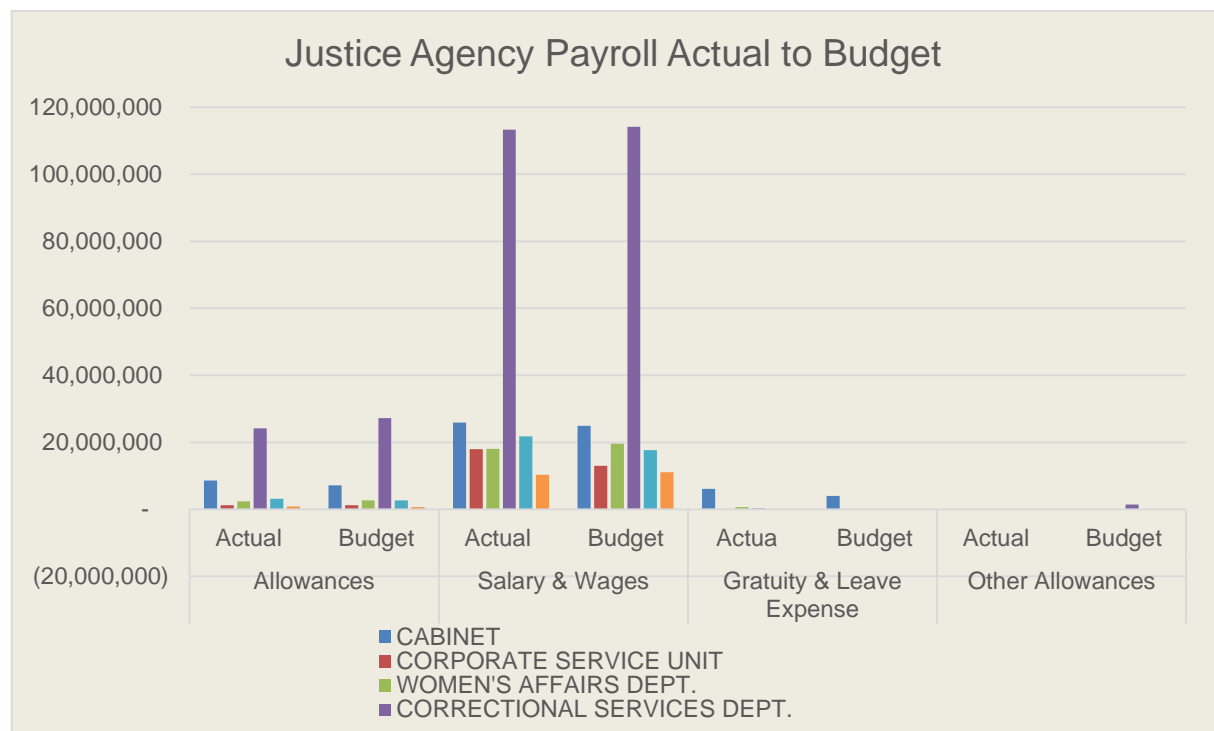
The following is the breakdown of the overspend

- Approximately 84% of the overspend amount is incurred by the Cabinet in the MJCS. The overspends are primarily on personal entitlements such as leave allowances that were not budgeted for during that financial year and increase of other allowances that have overspend its budget. This is the result of increase on personal entitlements according to the Official salaries Act.
- The Corporate Service Unit incurred an overspend of VT 3,560,294 on unbudgeted payroll. Huge overspend is for contract wages for staff on contract within Corporate Service Unit of 96% of the unbudgeted payroll. Other payroll overspend from budget is due to benefits entitlements increase according to the PSC entitlement package for senior staff. However all of this overspend is covered by supplementary budget of VT 3,000,000 and Virement from operations to payroll of VT 2,126,038. Therefore overall remaining balance is VT 187,978.
- Women's Affairs have 2% overspend from it budget. Huge overspend with no budget is for Contract wages that have 66% overspend budget from the total payroll overspend. This is for the staff on contract in 2016. Other allowance with no budgeted have 34% overspend from total overspend cost. However with the 51% of underspend budget, the remaining balance have decreased to VT (450,651).
- Customary Land Management payroll have an over spend of (249,421). Contract wages with no budget have cost the payroll 15% of the payroll budget and other allowances with

and without budget have also overspend from budget. The overspend have decreased greatly due to Virement of VT 4,376,152 from its operations to payroll that have resulted in the downsizing of the overspend.

- The Vanuatu Law Commission overspend variance is the Virement of (612,065) that have transferred to the operations for activity needs that have brought out the total remaining to be overspend by (128,196). Other unbudgeted allowances have cost the payroll budget of 5% but with 7% remaining surplus it has help to cover the overspend.

Graph 4: Justice Agency Payroll Actual to Budget



Operational Expense

Operational expenses consumes 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 good regular monitoring of the operational budget.

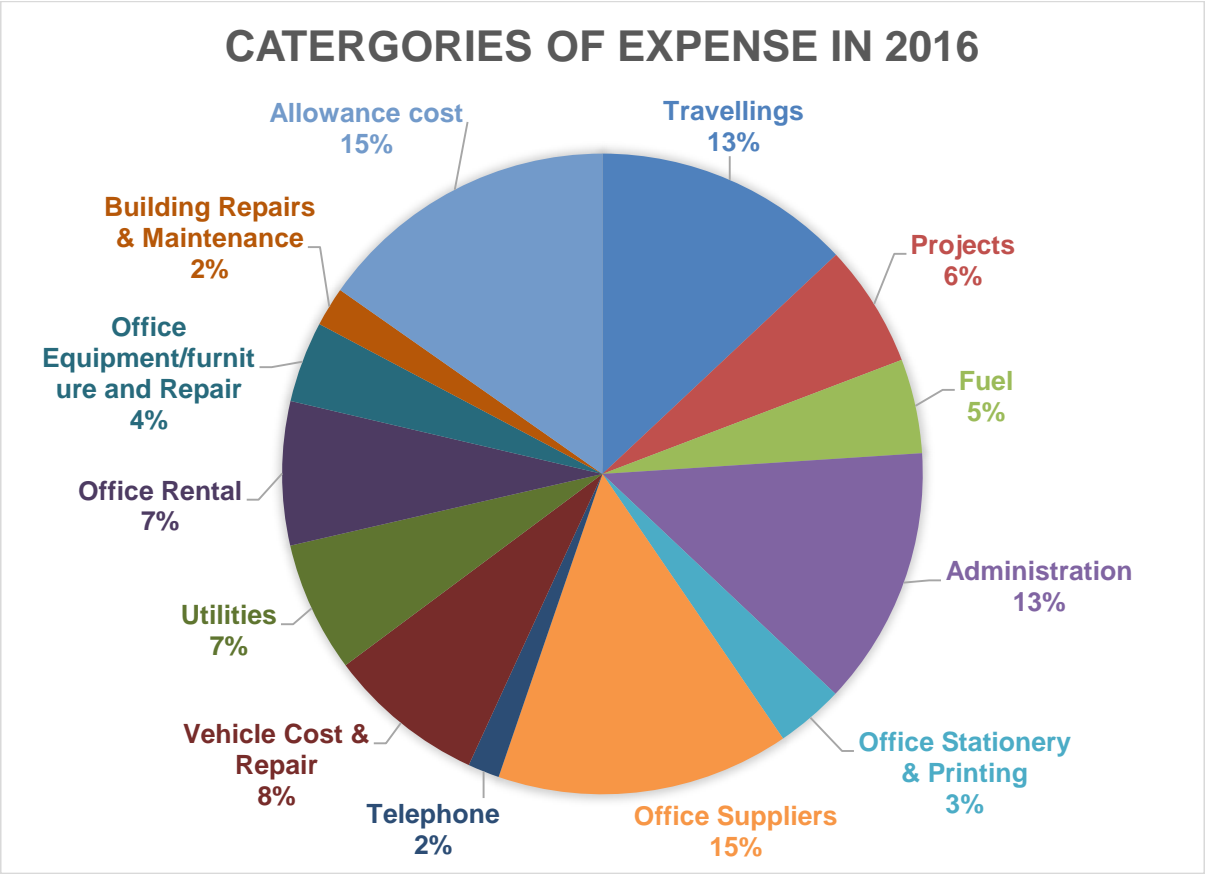
Table 8: Operational Budget Against Actual For 2016

JUSTICE AGENCY	FINAL BUDGET	EXPENDITURE	REMAINING BALANCE/OVERSPEND
CABINET	9,607,530	9,655,251	(47,721)
CORPORATE SERVICE UNIT	19,202,359	19,217,187	(14,828)
WOMEN'S AFFAIRS DEPT.	14,799,035	14,788,854	10,181
CORRECTIONAL SERVICE DEPT.	57,933,827	57,828,195	105,632
CUSTOMARY LAND MANAGEMENT OFF.	8,356,969	8,321,298	35,671
VANUATU LAW COMMISSION	4,316,122	4,358,611	(42,489)
TOTAL	114,215,842	114,169,396	46,446

The core items expended on (see Graph 4):

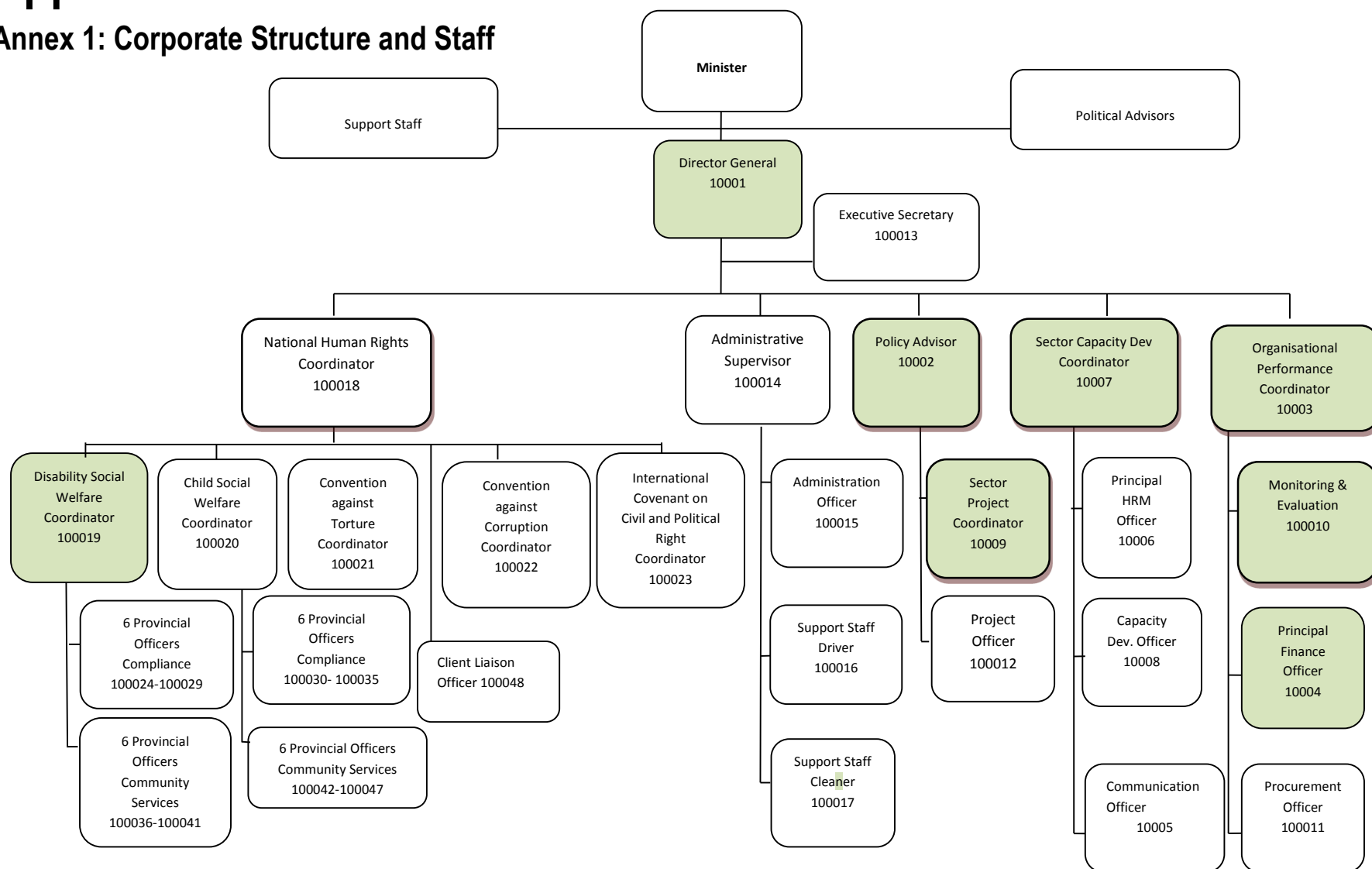
- Allowance Cost – Termination cost for retired and resignation officers have cost 16% on the overall budget. This were from DWA for its retired Sanma Officer, CSU for outgoing DG end of contract payment and resigned M&E Officer and DKS with high cost of 48% from termination cost geos towards 3 former officers.
- Office Suppliers – This have a spending of 15% from the overall MJCS expense. From office suppliers total spending, 85% of office suppliers cost is for DKS. However with DKS budget, they still underspend by 2%. This suppliers cost goes towards suppliers to centres and management unit. Remaining 15% cost is for other department also for its office needs.
- Travelling – Overall spending have overspend from its budget by 2%. Cabinet has the highest overspend of 77% from its travelling budget. This spending are for Minister's travels to the islands. DKS spending is 22% from the total MJCS travelling cost but with its travelling budget it just have an overspend of 1%. Administration Cost – From the Administration budget, the spending have 10% over its budget. Cabinet with no administration budget have used VT 981,224 in 2016. DKS with high admin cost have overspend by 80% from its admin budget. DKS had settled high fees and court costs in 2016 that raises the overspend to reach 80% from their normal admin budget.

Graph 5: Categories of Expenditure



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 (Acting)	Pacco Siri	Male	Anglophone	Santo/Tonga	Permanent
Policy Advisor	Setariki Waqanitoga	Male	Anglophone	Fiji/Pentecost	Permanent
Organisation Performance Coordinator	Pacco Siri	Male	Anglophone	Santo/ Tonga	Permanent
Principal Finance Officer	Cynthia Malachi	Female	Anglophone	Efate	Permanent
Principal Human Resource Officer	Vacant	-	-	-	-
Capacity Development Coordinator	Louise Nasak	Female	Anglophone	PNG/Tanna	Permanent
Monitoring & Evaluation Officer	Jocelyn Loughman	Female	Anglophone	PNG/Tanna	Probation
Sector Project Coordinator	Joe Massing	Male	Anglophone	Ambrym	Permanent
Support Officer (Administration)	Angela David	Female	Anglophone	Tonga	Contract
Support Officer (Finance)					
Support Officer- (Driver)	Robinson Rono	Male	Anglophone	Pentecost	Contract
Support officer(Receptionist)	Elisa Kalo	Female	Anglophone	Ambae	Contract
Procurement Officer	Dorine Lessy	Female	Anglophone	Malekula	Probation
Executive Secretary	Vacant				
Administrative Supervisor	Vacant				
National Human Rights Coordinator	Vacant				
<i>5 Conventions Coordinators</i>	<i>3 Vacant</i>				
1 Disability Desk Officer	Sam Kaiapam	Male	Anglophone	Tanna	Permanent
2 Child Desk Officer	Elizabeth Mael	Female	Anglophone	Ambae	Permanent
<i>12 Provincial Community officers</i>	<i>11 Vacant</i>				
1 Disability Desk Community Officer	Morris Kerry	Male	Anglophone	Malekula	Contract
<i>12 Provincial Compliance officers</i>	<i>11 Vacant</i>				
1 Disability Desk Compliance Officer	Knox Morris	Male	Anglophone	Shefa	Contract
Client Liaison Officers	Vacant				
Capacity Development Officer	Vacant				
Communications Officer	Vacant				

