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## Table of Acronyms

<b>ADR</b>	Annual Development Report
<b>CLE</b>	Continuing Legal Education
<b>DFAT</b>	Australian Department of Foreign Affairs and Trade
<b>DOA</b>	Deed of Amendment
<b>DWA</b>	Department of Women's Affairs
<b>GoA</b>	Government of Australia
<b>GoV</b>	Government of Vanuatu
<b>FWCC</b>	Fiji Women's Crisis Centre
<b>GRM</b>	GRM International Pty Ltd
<b>HOAG</b>	Heads of Agency Group
<b>JCSSS</b>	Justice and Community Services Sector Strategy
<b>JBE</b>	Jastis Blong Evriwan
<b>KAP</b>	Knowledge, attitudes and practices
<b>LSIP</b>	Law Student Internship Program
<b>LTA</b>	Long Term Adviser
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MES</b>	Monitoring and Evaluation System
<b>MJCS</b>	Ministry of Justice and Community Services
<b>MNCC</b>	Malvatumauri National Council of Chiefs
<b>NZAID</b>	New Zealand Agency for International Development
<b>OGCIO</b>	GoV Office of the Chief Information Officer
<b>PAA</b>	Priority Action Agenda
<b>PLAS</b>	Planning Long Acting Short
<b>PMG</b>	Partnership Management Group
<b>PMF</b>	Performance Management Framework
<b>PMO</b>	Prime Minister's Office
<b>PPO</b>	Public Prosecutor's Office
<b>PSC</b>	Public Service Commission
<b>PSO</b>	Public Solicitor's Office
<b>SCV</b>	Save the Children Australia
<b>SLO</b>	State Law Office

<b>SPD</b>	State Prosecutions Department
<b>SRBJ</b>	Stretem Rod Blong Jastis Partnership
<b>TA</b>	Technical Advisers
<b>TOR</b>	Terms of Reference
<b>UNICEF</b>	United Nations Children's Fund
<b>USP</b>	University of the South Pacific
<b>VAPP</b>	Vanuatu Australia Police Program
<b>VLC</b>	Vanuatu Law Commission
<b>VLJP</b>	Vanuatu Law and Justice Partnership
<b>VLSSP</b>	Vanuatu Legal Sector Strengthening Program
<b>VNSO</b>	Vanuatu National Statistics Office
<b>VPF</b>	Vanuatu Police Force
<b>YEPP</b>	SCV's Child Protection Governance Program (Yumi Evriwan i Protektem ol Pikinini)

## Executive Summary

### Highlights

The highlights for this six month reporting period are:

- 1 **The VPF and the judiciary have become more engaged in aspects of the cross sector reform agenda** which is not solely as a result of the Program but to which Program has contributed. This is demonstrated through:
  - a. Greater involvement and participation in the JCSSS Working Groups by both the judiciary and the VPF;
  - b. Active leadership taken by the judiciary of the case management agenda especially with respect to the private lawyers. This will be further strengthened as the judiciary enhances, not only its technical systems, but also as it develops and implements new Practice Directives targeted at strengthening efficiency and consistency as well as Juvenile Justice; and
  - c. A significant parallel increase in the engagement of the Judiciary with the Program (successful grants facility applications, support for the Federal Court of Australia MOU which is well coordinated with the Program's Case and Data Management work, facilitation of one and participation in the implementation of the JCSSS; and provision of an acting judge to assist with reserved judgments).
- 2 **A number of key evidence-based capacity development interventions are ready to be implemented and piloted prior to 30 June** which mitigate against any feeling of hiatus by counterparts during the extension period to 30 June. These include, for example:
  - a. Women in Leadership mentoring program;
  - b. Functional group support in the areas of financial management and human resource management; and
  - c. Piloting a multidimensional institutional strengthening approach with State Prosecutions Department.
- 3 **There are significant improvements across the sector in technical systems "readiness"** including data quality improvements; work practice improvements and IT skills improvement (see section 5 for more detail).
- 4 **Law Student Internship Program has expanded** significantly since its first semester (in terms of both host offices and student applications) and has resulted in summer work placements in two offices during the reporting period and so has started to demonstrate the link between the students and a future work force for the public legal offices of the sector.

## Relevance

The focus of SRBJ continues to contribute to the higher level objectives of the Australian aid program.<sup>1</sup> The improvement in access to justice both in the capital but more importantly outside of Port Vila, provides the vehicle by which community members can exercise their rights, including those that relate to resources and fair dealing but also as a way of preventing violence and abuse and its debilitating impact on access to development opportunities for those groups most effected. It is in the national interest for Australia to strengthen transparency, accountability and governance within the Pacific region on humanitarian, regional security and regional development grounds. Achieving this relies on a functioning justice sector in Pacific Island Countries.

SRBJ is aligned with the commitment of the GoA, “to helping Pacific countries strengthen the rule of law and protect human rights” and notes “effective law and justice systems promote regional security, increase international confidence and help attract foreign investment.”<sup>2</sup> The integrated support for improvement in the responsiveness of the justice system to the needs of women supports the focus of the Australian aid program in the Pacific with respect to its express commitment to addressing gender equality and the empowerment of women.

SRBJ continues to support the GoV desire for a “just” Vanuatu as identified under the PAA which also identifies a key strategic priority as being, “good governance and public sector reform.”<sup>3</sup> The program has supported the development of and is aligned with the justice and community sector’s eight strategic priorities as set out in its Justice and Community Sector Strategy (JCSSS).

The interventions remain relevant to the identified and assessed needs<sup>4</sup> of the sector and strategically targeted to those needs. All the capacity development planning and assessment has an applied, service delivery bent that necessarily focuses the interventions to relevant opportunities and challenges. The focus of component three (which currently has disparate interventions) is either entirely demand driven through the grants or will increasingly, through the preparation for and support of the pilot work, focus on the identified needs of the relevant groups. To date the strongest possible critique of the relevance of the program might be its current predominant ‘top down’ approach; primarily coupling partnership and sponsorship of the program at the level of the Ministry to best facilitate the sector-wide intervention which has its concomitant risks.<sup>5</sup> This ‘top-down’ approach will become significantly more balanced through the sharpened focus of component three in Stage 2 of the program.

The approach to implementation has been iterative and evidence-based to ensure effectiveness of interventions as much as is possible in complex, fluid environments. Gender is considered in all the interventions implemented by the program as well as targeting support to gender specifically (for

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<sup>1</sup> Set out in Comprehensive Aid Policy Framework; the Framework for Law and Justice Engagement with the Pacific and three of the objectives of An Effective Aid Program for Australia.

<sup>2</sup> Framework for Law and Justice Engagement with the Pacific, p1.

<sup>3</sup> Within the key strategic priority of “good governance and public sector reform, the GoV has indicated its intention to focus on providing policy stability (3.1 PLAS); providing stable institutions (3.2 PLAS) and promoting gender equality and empowering women (3.4 PLAS)

<sup>4</sup> As set out in the Sector Capacity Development Strategy in Annex E

<sup>5</sup> Risks are dealt with in greater detail in section 10,

example, leadership). Sustainability remains an unshakeable criteria for consideration for each intervention and some of SRBJ’s approaches to sustainability for all of the components are laid on it more detail in section 11 below.

### Effectiveness, progress, reach and coverage

The table below **summarises** progress towards outcomes<sup>6</sup> and is an abbreviated version of the two separate tables used in section 4 of this report. Both the summary table and section 4 reflect reporting against two sets of end of program outcomes (being end of program outcomes to 31 December 2013 as previously agreed and end of program outcomes to 30 June 2014 being the new end date for the completion of Stage 1 of the program<sup>7</sup>). The target outcomes for stage one have been a mix of outputs and outcomes which have been clearly stated; have been continually reported against; are measurable and on the whole have been achieved as planned. On some occasions there has been delay but not unmanageable or unreasonable delay that has detrimentally impacted the effectiveness of the program.<sup>8</sup>

SUMMARY TABLE – 31 Dec 2013 & 30 June 2014 targets		
Item	End of 2013 Outcome Targets	Progress to date (key achievements) <sup>9</sup>
<p><b>Vision</b> Jastis, sefti, digniti, respek mo gud fasin blong evriwan. (Approximately: justice, safety, dignity, respect and good conduct by everyone)</p>	<p>Sector supported to commence drafting sector strategy that contemplates professionalism, competencies and accountability mechanisms for service delivery to children, women and people with disabilities.</p>	<p>The working groups are in the process of implementing the 8 strategies of the JCSSS at varying pace, each strategy includes an aspect of strengthened service delivery which the working groups are encouraged to consider. The working groups are progressing with different speeds and levels of engagement and SRBJ is in the process of tailoring an approach to support for the working groups that takes into account the differing levels of support needed and speed of progress towards implementation.</p>
<p><b>Mission</b> for all justice services to promote justice and provide fair and equitable services to meet the needs of the community, the rule of law and the protection of human rights</p>	<p>Justice Agencies supported to identify improvements in service delivery through synchronised corporate and annual business planning.</p>	<ul style="list-style-type: none"> <li>• Agencies supported for the development of 2013 &amp; 2014 annual plans, including simple tools to allow for future replication.</li> <li>• Agencies supported for their improved submissions to the MJCS for the Annual Development Report (including the provision of reporting templates).</li> <li>• Support provided to date has included: <ul style="list-style-type: none"> <li>○ Support for budget narratives</li> <li>○ Support for agency planning and monitoring</li> <li>○ Support to MJCS planning and monitoring</li> <li>○ Sector wide institutional and individual capacity assessments</li> </ul> </li> </ul>

<sup>6</sup> Note that there are some outputs (rather than outcomes) given the short time frame for reporting.

<sup>7</sup> Extension of contract was offered by AusAID (now DFAT – Australian Aid) to allow time for the alignment of the design of the future support to the VPF and was executed on 16 December 2014.

<sup>8</sup> For additional information regarding specific delays refer to section 6 below.

<sup>9</sup> Greater detail is provided in the tables set out in Section 4 as the key achievements in the summary table highlight only some outputs and outcomes but do not repeat all of the achievements listed in section 4.

		<ul style="list-style-type: none"> <li>○ Sector wide capacity development planning</li> <li>○ Case and data management assessment, planning and support</li> <li>○ Sector wide and institutional specific monitoring support</li> </ul>
<b>Component 1:</b> Support for Sector Coordination including Donor Coordination	<b>End of 2013</b> <ul style="list-style-type: none"> <li>● GoV identifies and documents processes for prioritising, planning, costing and reporting on strategy.</li> <li>● Completion of JCSSS.</li> <li>● Case and data management work supports provision of some baseline information.</li> <li>● GoV approves an approach to support the implementation of the sector strategy over 2014-16.</li> <li>● Each Justice Agency has completed 2013 Business and annual plans reflecting sector strategy priorities and using available baseline data.</li> <li>● Indicative costed implementation plans for each of the eight JCSSS strategies for 2014.</li> </ul>	<ul style="list-style-type: none"> <li>● GoV was supported to develop its Justice &amp; Community Sector Strategy (JCSSS) in a consultative, participatory, documented process. JCSSS has been approved by the COM.</li> <li>● Case and data management support has provided baseline of the current position of case and data management across the sector; and in some institutions now provides a reliable baseline of cases within the auspices of that institution (this is now true for Supreme and Magistrates' Court).<sup>10</sup></li> <li>● MJCS approved approach to implementation of JCSSS (approval also through HOAG &amp; TF). MJCS drove the establishment of the WG as a modality for the implementation of the JCSSS.</li> <li>● WG implementation of the 8 strategies is nascent but ongoing and supported by the MJCS and HOAG.</li> <li>● Each agency completed 2013 &amp; 2014 business and annual plan reflecting agency priorities and lifting sector priorities to MJCS or JCSSS level.</li> <li>● Budget adviser provided support to agencies to cost the annual plans.</li> <li>● M&amp;E team provided M&amp;E support on request to agencies (including SLO, PPO, SPD).</li> </ul>
	<b>30 June 2014</b> <ul style="list-style-type: none"> <li>● Agencies (2 or more) within the sector demonstrate strengthened reporting and monitoring.</li> <li>● MJCS is better able to monitor the sector's progress (e.g. improvement in the quality of the submissions for the Annual Development Report).</li> <li>● 2 or more of the 8 JCSSS's have progressed in their implementation.</li> <li>● There is greater involvement of the VPF &amp; judiciary in the cross sector work.</li> </ul>	<ul style="list-style-type: none"> <li>● Monitoring officer is working with the Executive Officer MJCS to strengthen the quality of the submissions from agencies for the Annual Development Report for 2013.</li> <li>● There has been a hiatus in the progress of the working groups since November with Christmas and New Year but there will be a stocktake of the progress of the strategies during March (while CD Adviser is in country).</li> <li>● There has been a significant increase in the judiciary in cross sector work (detail see section 4).</li> <li>● There has been an increase in the involvement of the VPF in cross sector work (detail see section 4).</li> </ul>
<b>Component 2:</b> Capacity Development	<b>End of 2013</b> <ul style="list-style-type: none"> <li>● Capacity assessment and development framework developed and approved.</li> </ul>	<ul style="list-style-type: none"> <li>● Capacity assessment and development framework developed by CD Adviser and approved by MJCS and HOAG.</li> <li>● Capacity assessment framework implemented</li> </ul>

<sup>10</sup> See small vignette of Supreme Court and Magistrates' Court support staff efforts in improvements in data quality.

	<ul style="list-style-type: none"> <li>•Capacity assessment framework implemented.</li> <li>•Capacity development plan for sector drafted.</li> </ul>	<p>over 2013 (at several levels).</p> <ul style="list-style-type: none"> <li>•Capacity Development Sector Strategy drafted for consultation with stakeholders (February 2014).</li> </ul>
	<p><b>30 June 2014</b></p> <ul style="list-style-type: none"> <li>• Sector wide CD strategy is approved and preparation for implementation in stage 2 has commenced.</li> <li>• Measurable enhancements across the sector of case and data management “readiness” to proceed to the next stage.</li> <li>• Targeted leadership activities are commenced.</li> <li>• Commencement of CD activities for agreed technical areas (e.g. lawyers, financial managers, human resource managers).</li> <li>• Supreme and Magistrates’ judges, magistrates and administrative staff are better able to manage their cases.</li> </ul>	<ul style="list-style-type: none"> <li>• Sector wide CD strategy has been drafted and finalised but is awaiting consultation and validation with stakeholders.</li> <li>• Supreme Court and Magistrates’ Court demonstrates measurable enhancements (see vignette). For detail of other progress within the sector see section 4, Table 2.</li> <li>• A number of practice reforms and Practice Directions are currently being considered by the SC as well as approaches that would strengthen the legal professions adherence to court procedures.</li> </ul>
<p><b>Component 3</b> Policy Development, Research and Sector Monitoring</p>	<p><b>End of 2013</b></p> <ul style="list-style-type: none"> <li>•Levels of provincial and capital service delivery KAP known.</li> <li>•Baseline data and research provides relevant information to justice agencies and to sector for strengthened 2014 budget submissions.</li> <li>•Justice Agencies forward information requested in MEF document to HOAG.</li> </ul>	<ul style="list-style-type: none"> <li>•Draft KAP Survey methodology and TOR for engagement of the VNSO developed but has not been progressed further. SRBJ reconsidering appropriateness of a KAP survey based on better clarity regarding the direction of stage 2 and the needs of the sector.</li> <li>•Improvement in some case and data baseline across the sector (in terms of data and case management); commencement of collation of relevant research on behalf of MJCS.</li> <li>•Justice agencies are being supported to better report to GoV and MJCS on progress of applicable COM decisions, projects over 10M vatu within the sector and UN Conventions under the auspices of MJCS which ultimately go in support of the Annual Development Report.</li> </ul>
	<p><b>30 June 2014</b></p> <ul style="list-style-type: none"> <li>•CP stakeholders are referring greater number of CP cases appropriately.</li> <li>•Terms of reference for the assessment and baseline needed for participating communities for the VAW pilot are completed.</li> <li>•Terms of reference for an in-depth research into urban youth risk and resilience for PV and Luganville are completed (in preparation for</li> </ul>	<ul style="list-style-type: none"> <li>•A draft staged approach to the VAW pilots is completed and ready for refinement and broader consultation.</li> </ul>



	stage 2) • VLC shows improved capacity for development of appropriate legislation	
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The current reach is targeted primarily at justice and community sector stakeholders, predominantly in the public sector but also some NGOs. The coverage of the program remains principally focussed on Port Vila with small increments into the provinces (see also Section 5, Component 3, Stage 1, Objective 1, (i) below).

Component 1 will remain focussed on the MJCS and the agencies of the sector, as well as NGOs and CSOs providing services within the sector and therefore will remain generally focussed on Port Vila. Continued engagement at this level allows for the informing of policy at the national level, where appropriate.

Component 2, once the Sector Capacity Development Strategy has been approved, will provide support for capacity in a multidimensional way across the sector that will increasingly expand its coverage beyond the capital. Current capacity development initiatives beyond the capital have been *ad hoc* rather than systematic. The expansion beyond the capital will occur particularly with respect to first, support for the implementation of the JCSSS at the sector level as the eight strategies target challenges that extend beyond the capital; second, by seeking to ensure, where possible, that capacity development opportunities are made equally available to members of the sector regardless of their location; and third, through CD support targeted at the ‘sector to stakeholder’ level of the five levels of capacity development.

Component 3 has allowed for community and provincial level work through the funding provided to the Save the Children, Child Protection Program; a number of grants that have supported provincial initiatives (see Section 5, Component 3, Stage 1, Objective 1 below (i)); preparation for the pilot to support women experiencing violence in Malekula; and possibly through a KAP survey intended to be statistically valid for the country.<sup>11</sup>

Monitoring and evaluation continues on an ongoing basis (as set out in Section 5, Component 3, Stage 1, Objective 3 below) to measure progress towards objectiveness; effectiveness of the program; risks to the program and changes in context.

### Efficiency

The efficient and cost effective delivery of support is demonstrable in part through the small size of the team<sup>12</sup> and budget to date when compared with the breadth of outputs of the program. At present there are four full time staff and efficiencies are also maximised by having three short term international TA. The short term nature of these roles reduces the cost of long term staff while enhancing capacity development. Short term TA help guide and provide an approach for government counterparts while also following up on progress on a regular basis. This helps

<sup>11</sup> The appropriateness of this methodology and investment is currently being re-considered by the program M&E Specialist and the program with advice from the DFAT ECB Program.

<sup>12</sup> currently only six full time staff - including administrative and managerial - and four part time staff

promote some momentum by counterparts for continuity of progress. Ni-Vanuatu staff are engaged to do technical and administrative tasks and it is the intention of the program to continue to rely heavily on ni-Vanuatu expertise wherever it may.

The grants facility is a particularly efficient aspect of the program. All SRBJ team members provide some support for the implementation of the grants, and in supporting counterparts from across the sector in developing and managing grants. However, the majority of the work associated with the implementation of the grants is managed by the Contract Manager and the Finance and Administration Officer. While the administrative support required to run the grants facility is significant, the tangible benefits the grants provide to the sector are apparent to both counterparts and SRBJ staff. Similarly, at present providing large grants to be managed directly by the GoV is deemed high risk and is not supported by DFAT without further compliance with recommendations outlined in the sector's PFM Assessment Report.

The recent recruitment of the Child Protection Evaluation Adviser also provides cost efficiencies. A tender process was run which allowed the program to weigh up the relative value for money of international TA as opposed to local TA. Local TA was viewed as the best value for money as well as providing the best expertise for a complex and contextualised output relating to a community engagement approach in Vanuatu.

### Current Risks

Risks are managed on a continuing basis. All of the members of the SRBJ team report every two months and they are asked to report on contextual impacts on their individual workplan as well as any negative or positive outcomes. Additionally, the team usually meets monthly which provides another forum in which risks to the program are robustly discussed by the team as they arise. The risk management plan is generally reviewed six monthly and reported on, with any changes to that plan being highlighted. Budget is reviewed, acquitted and forecast monthly.

The greatest emergent risk for the program is the weak and weakened capacity of the MJCS to fulfil its mandate and to sustain proactive service delivery to the sector and to the community, together with a less consistently engaged leadership. The management response to this will be to increase the level of support to the HOAG, the Task Force and the Working Groups to ensure closer governance for the program by the HOAG and the support of a number of cross sector mechanisms.

(See section 10 for greater detail of the current risks including this one)

## 1. Introduction

This six month progress report is submitted in accordance with the deliverable set out in the contract extension granted to the *Stretem Rod Blong Jastis* Partnership (SRBJ), managed by GRM International Pty Ltd (GRM), on 16 December 2013 which extended the contract to 30 June 2014. This progress report is intended to build on and **not** repeat the progress reported on in the Progress Report of November 2012 and August 2013 (which covered to the end of August 2013).

The extension of the contract to 30 June was offered by AusAID (now DFAT, Australian Aid) to allow for sufficient time for there to be design work conducted with the intention that the Australian funded Vanuatu Law and Justice Partnership (*Stretem Rod Blong Jastis* Partnership) and the Vanuatu Australia Police Program (VAPP) share a more integrated approach for Stage 2 (being 1 July 2014 to 31 December 2016) with some shared end of program outcomes.<sup>13</sup>

SRBJ has developed a work-plan for 1 February to end of June 2014 (Annex B) which is intended to form a bridge between the completion of Stage 1 of the program and commencement of Stage 2 of the program. In that way, it completes and strengthens much of the work of stage 1 and commences preparation and some implementation in anticipation of Stage 2 of the program.

## 2. Contextual background

The contextual background has been described in greater detail in previous Progress reports (November 2012 and August 2013) and the SRBJ Stage 2 design (extracted in Annex A). An emergent risk resulting from the shifting context is highlighted in section 10 below but otherwise the context remains as described in Annex A.

### **Enhancing factors**

Key factors that support the outputs of the program include:<sup>14</sup>

- a. Strong partnership with the MJCS and collocation of SRBJ in the MJCS premises.
- b. Good relations with a number of key leaders across the sector.
- c. Self-perpetuating impact of cross sector work that is achieving incremental change.
- d. Commitment of MJCS to continue to ensure regular PMG meetings.
- e. Increased engagement with and support of the judiciary as a key player within the sector.
- f. Increased engagement with and support for the sector from the OGCIIO.
- g. Increased engagement in a number of areas with the VPF.
- h. Increased engagement of youth with the sector.

### **Inhibiting factors**

Key factors that inhibit the progress of outputs of the program include:

- a. Political fluidity and inconsistency.

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<sup>13</sup> The terms of reference for the Design Team for the Police activities for the next Stage 2 are attached in Annex N.

<sup>14</sup> Enhancing and inhibiting factors are slightly nuanced since the August 2013 report.

For example, the recent resignation of the Minister of Justice (February 19<sup>th</sup> 2013) means that it is no longer clear if the “100 Day Justice Plan” developed under the auspices of the previous Minister will continue to be supported in its current form.

- b. There is some notable disengagement by some leaders with the MJCS for cross sector work.
- c. Leadership changes and differing styles.
- d. Extremely limited capacity of the MJCS.
- e. Institutional inhibitors (such as the structural challenges of the SPD).
- f. No further funding of the *Jastis Blong Evriwan* program in the short term (see section on Variation from Plan, Section 6) and reduced funding to the Australian Aid funded Land Program *Mama Graon* (see Component 3, Stage 1, Objective 2, (v) below).

### 3. End of Program outcomes

This reporting period covers from **1 September 2013 to 28 February 2014**. This period spans two end of program outcomes; being those originally agreed for the end of the Stage 1 of the program in December 2013 and those newly identified for achievement at the end of the extension period of 30 June 2014. Target outputs and outcomes were selected and agreed for the end of December 2013 prior to the first progress report in November 2012 and new target outputs and outcomes have been identified for the six month extension period to the end of June 2014.

The outputs and outcomes for Stage 1<sup>15</sup> remain relevant to the needs of the beneficiaries although it is intended to sharpen the focus on thematic work with women, youth and children in Stage 2 to improve and measure improved responsiveness of the sector to those beneficiary groups in particular.<sup>16</sup>

The six month period strengthens the outputs and outcomes to date and the preparation for implementation in Stage 2.

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<sup>15</sup> It is noted that in this section these are referred to as outcome targets in preference to objectives.

<sup>16</sup> End of stage 1 objectives lifted from the Stretem Rod Blong Jastis Vanuatu Law and Justice Partnership Design Document, Final September 2011 (Annex 19). The change of focus is explained in greater detail in the SRBJ Design Document (Draft) July 2013 and the previous progress report September 2013.



*Human Rights Working Group working on its strategy*

#### 4. Progress towards sustained outcomes

<b>TABLE 1</b>		
Item	End of 2013 Outcome Targets	Progress to date against end of December 2013 target outcomes
<p><b>Vision</b> Jastis, sefti, digniti, respek mo gud fasin blong evriwan.</p>	<p>Sector supported to commence drafting sector strategy that contemplates professionalism, competencies and accountability mechanisms for service delivery to children, women and people with disabilities.</p>	<ul style="list-style-type: none"> <li>The working groups are in the process of implementing the 8 strategies of the JCSSS at varying pace, each strategy includes an aspect of strengthened service delivery which the working groups are encouraged to consider. The working groups are progressing with different speeds and levels of engagement and SRBJ is in the process of tailoring an approach to support for the working groups that takes into account the differing levels of support needed and speed of progress towards implementation.</li> </ul>
<p><b>Mission</b> for all justice services to promote justice and provide fair and equitable services to meet the needs of the community, the rule of law and the protection of human rights</p>	<p>Justice Agencies supported to identify improvements in service delivery through synchronised corporate and annual business planning.</p>	<ul style="list-style-type: none"> <li>Agencies supported for the development of 2013 &amp; 2014 annual plans, including simple tools to allow for future replication.</li> <li>Agencies supported for their improved submissions to the MJCS for the Annual Development Report (including the provision of reporting guidelines).</li> <li>Support provided to date has included:               <ul style="list-style-type: none"> <li>Support for budget narratives</li> <li>Support for agency planning and monitoring</li> <li>Support to MJCS planning and monitoring</li> <li>Sector wide institutional and individual capacity assessments</li> <li>Sector wide capacity development planning</li> <li>Case and data management assessment, planning and support</li> <li>Sector wide and institutional specific monitoring support</li> </ul> </li> </ul>
<p><b>Component 1:</b> Support for Sector Coordination including Donor Coordination</p>	<ul style="list-style-type: none"> <li>GoV identifies and documents processes for prioritising, planning, costing and reporting on strategy.</li> <li>Completion of JCSSS</li> <li>Case and data management work supports provision of some baseline information</li> <li>GoV approves an approach to support the implementation of the sector strategy over 2014-16.</li> <li>Each Justice Agency has completed 2013 Business and annual plans reflecting sector</li> </ul>	<ul style="list-style-type: none"> <li>GoV was supported to develop its Justice &amp; Community Sector Strategy (JCSSS) in a consultative, participatory, documented process. JCSSS has been approved by the COM.</li> <li>Case and data management support has provided baseline of the current position of case and data management across the sector; and in some institutions now provides a reliable baseline of cases within the auspices of that institution (this is now true for Supreme and Magistrates' Court)<sup>17</sup></li> <li>MJCS approved approach to implementation of JCSSS (approval also through HOAG &amp; TF). MJCS drove the establishment of the WG as a modality for the implementation of the JCSSS.</li> <li>WG implementation of the 8 strategies is nascent but ongoing and supported by the MJCS and HOAG.</li> </ul>

<sup>17</sup> See small vignette of Supreme Court and Magistrates' Court support staff efforts in improvements in data quality.

	<p>strategy priorities and using available baseline data.</p> <ul style="list-style-type: none"> <li>• Indicative costed implementation plans for each of the eight JCSSS strategies for 2014.</li> </ul>	<ul style="list-style-type: none"> <li>• Each agency completed 2013 &amp; 2014 business and annual plan reflecting agency priorities and lifting sector priorities to MJCS or JCSSS level.</li> <li>• Budget adviser provided support to agencies to cost the annual plans.</li> <li>• M&amp;E team provided M&amp;E support on request to agencies (including SLO, PPO, SPD and DWA)</li> </ul>
<b>Component 2:</b> Capacity Development	<ul style="list-style-type: none"> <li>• Capacity assessment and development framework developed and approved.</li> <li>• Capacity assessment framework implemented</li> <li>• Capacity development plan for sector drafted.</li> <li>• Supreme and Magistrates' judges, magistrates and administrative staff are better able to manage their cases.</li> </ul>	<ul style="list-style-type: none"> <li>• Capacity assessment and development framework developed by CD Adviser and approved by MJCS and HOAG.</li> <li>• Capacity assessment framework implemented over 2013 (at several levels).</li> <li>• Capacity Development Sector Strategy drafted for consultation with stakeholders (February 2014).</li> <li>• SRBJ supports FCA MOU with the Supreme Court (SC) which is intended to build on the information unearthed by the work of the CMDA to tailor appropriate processes and procedures for the court to improve its efficiency, effectiveness and consistency. The judiciary has consulted with the profession and there are a number of practice reforms currently being considered by the SC as well as approaches that would strengthen the legal professions adherence to court procedures.</li> </ul>
<b>Component 3</b> Policy Development, Research and Sector Monitoring	<ul style="list-style-type: none"> <li>• Levels of provincial and capital service delivery KAP known.</li> <li>• Baseline data and research provides relevant information to justice agencies and to sector for strengthened 2014 budget submissions.</li> <li>• Justice Agencies forward information requested in MEF document to HoAG.</li> </ul>	<ul style="list-style-type: none"> <li>• Draft KAP Survey methodology and TOR for engagement of the VNSO developed but has not been progressed further. SRBJ is currently re-considering if the KAP survey is the most appropriate tool for the development of a baseline, given both the direction of stage 2 of the program and the needs of the sector.</li> <li>• Improvement in some case and data baseline across the sector (in terms of data and case management); commencement of collation of relevant research on behalf of MJCS.</li> <li>• Justice agencies are being supported to better report to GoV and MJCS on progress of applicable COM decisions, projects over 10M vatu within the sector and UN Conventions under the auspices of MJCS which ultimately go in support of the Annual Development Report.</li> </ul>

**TABLE 2**

Item	End of June 2014 Targets <sup>18</sup>	Progress to date against end of June 2014 target outcomes
<p><b>Component 1:</b> Support for Sector Coordination, Collaboration &amp; Communication</p>	<ul style="list-style-type: none"> <li>• Agencies (2 or more) within the sector demonstrate strengthened reporting and monitoring.</li> <li>• MJCS is better able to monitor the sector's progress (e.g. improvement in the quality of the submissions for the Annual Development Report (ADR)).</li> <li>• 2 or more of the 8 JCSSS's have progressed in their implementation.</li> <li>• There is greater involvement of the VPF &amp; judiciary in the cross sector work.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer is working with the Executive Officer MJCS to strengthen the quality of the submissions from agencies for the Annual Development Report for 2013 including through the provision of a guiding document (see Annex C) and one-on-one visits and support to the agencies. It is difficult yet to say if there are 2 or more agencies whose reporting and monitoring has been strengthened although there has been some feedback that the guidance that has been provided to agencies by the MJCS is useful (VLC, DWA, PPO &amp; SPD). Last year only the following agencies within the sector contributed to the ADR: SLO, DWA, Child Desk, VLC, Crime Prevention-VPF. All agencies could strengthen the analysis of their achievements.</li> <li>• There has been a hiatus in the progress of the working groups since November with Christmas and New Year but there will be a stocktake of the progress of the strategies during March (while CD Adviser is in country).</li> <li>• There has been a significant increase in the judiciary in cross sector work demonstrated through the participation in the Case Progression Working Group; the support for a leading role in case management at the courts; consultation with the legal profession to improve case management (FCA MOU); Chairmanship and progression of the Juvenile Justice Working Group (PJDP initiative); preparation for future consultation on the Practice Directives for Youth (UNICEF);</li> <li>• There has been an increase in the involvement of the VPF in cross sector work demonstrated by the participation and facilitation of some of the JCSSS working groups (5 police members); involvement in strengthening of the of the CRIMS data base as part of the case and data management support across the sector. VPF is increasingly interested in piloting an integrated approach for youth justice in Blacksands area which might involve government, non-government and civil society stakeholders in preparation for stage 2 of the program.</li> </ul>
<p><b>Component 2:</b> Capacity Development</p>	<ul style="list-style-type: none"> <li>• Sector wide CD strategy is approved and preparation for implementation in stage 2 has commenced.</li> <li>• Measurable enhancements across the sector of case and data management</li> </ul>	<ul style="list-style-type: none"> <li>• Sector wide CD strategy has been drafted and finalised, including some tools for monitoring incremental change as CD proceeds using an outcome mapping approach. The CD Adviser will be consulting and seeking approval with heads of agency as individuals or in groups during her input in March and arising from those consultations there will be greater clarity about agreed priorities that can be commenced prior to stage 2 and continue throughout</li> </ul>

<sup>18</sup> It is noted that the targets for the end of June 2014 are a mix of outcome and output targets given the short (less than 6 months) timeframe against which to report



	<p>“readiness” to proceed to the next stage.</p> <ul style="list-style-type: none"> <li>• Targeted leadership activities are commenced.</li> <li>• Commencement of CD activities for agreed technical areas (e.g. lawyers, financial managers, human resource managers)</li> </ul>	<p>stage 2. It is anticipated that a pilot of a multi-dimensional approach to agency level institutional strengthening be undertaken prior to June 2014. The approach will draw on cross-functional team-based support from SRBJ and MJCS, a combination of planned and emergent responses to capacity development, and will have a strong focus on supporting leadership capacity and action as the entry point to improved agency performance.</p> <ul style="list-style-type: none"> <li>• The case and data management adviser provides support to the sector 2 weeks each month and works with each of the agencies to improve ‘readiness’ to proceed to case and management systems that are entirely systems based and reliable.</li> <li>• In the SC and MC there is increased confidence in the management information and quality of data; improved use and understanding of the court management system and MS Excel capacity. VPF have an improved understanding of issues surrounding data entry practices at Port Vila. The data entry practices of the VPF are not currently rigorous enough to ensure reliable data. SLO has a greater understanding of the workload practices amongst managing lawyers. The SLO is currently using dual systems and feels greater confidence in the excel based system (having had a CNS built externally). The other issue of significant process for the WoG approach to case and data management for the sector is that the OGCIO is working on a WoG approach for DMS/Saperion which is a system for document management, storage, archiving and tracking.</li> <li>• Detailed planning work has progressed to support design and implementation of some Women in Leadership strategies prior to June 2014. Including the women’s mentoring program.</li> </ul>
<p><b>Component 3</b> Policy Development, Research and Sector Monitoring</p>	<ul style="list-style-type: none"> <li>• CP stakeholders are referring greater number of CP cases appropriately.</li> <li>• An approach to the pilot work in Malekula is developed and approved by relevant stakeholders.</li> <li>• Approach/Terms of reference for the assessment and baseline needed for participating communities for the VAW pilot are drafted and approved.</li> <li>• Terms of reference for an in-depth research into urban youth risk and resilience for PV and Luganville are completed</li> <li>• Research is commenced for youth risk</li> </ul>	<ul style="list-style-type: none"> <li>• A draft staged approach to the VAW pilots is completed and ready for refinement and broader consultation.</li> </ul>

	<p>and resilience.</p> <ul style="list-style-type: none"><li>•Terms of reference for an appropriate mapping of the pilot site for Blacksands (in preparation for stage 2) is completed and approved.</li><li>•VLC shows improved capacity for development of appropriate legislation</li></ul>	
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## 5. Key outputs & deliverables

These three foundational deliverables for **end of December 2013** were:

1. Sector strategy and agency level planning documents.

The details of this output are provided under the Component 1, Stage 1, Objective 1 heading below and has been achieved.

2. Sector Capacity Development Strategy.

The details of this output are provided under the Component 2, Stage 1, Objective 1 heading below and has been achieved.

3. A monitoring and evaluation framework for the sector.

The details of this output are provided under the Component 3, Stage 1, Objective 3 heading below and has not yet been achieved.

In addition, the case and data management work was to have resulted in:

4. A roadmap towards and integrated case and data management system for the sector

The details of this output are provided in Component 3, Stage 1, Objective 3 heading below and has not yet been completed.

Further deliverables which are intended to underpin the refocus of component 3 in stage 2 of SRBJ and to be finalised for the **end of June 2014** are:

1. An agreed approach for the Malekula pilot supporting pathways to action for women experiencing violence.

2. An agreed approach for the Blacksands Youth Justice pilot

3. Evaluation of the SCV YEPP community engagement tool, Evaluation of the SCV Child Protection Program and refinement of the child protection program for Stage 2.

1-3 above contribute significantly to the appropriate, tailored and contextualised targeting of interventions for Stage 2 of the program.

Outputs over the six months from 1 September 2013 to 28 February 2014 as they have contributed to the end-of-Stage-1 objectives<sup>19</sup> are set out below:

**Assist GoV to develop its comprehensive framework to support the implementation of the sector strategy and policy including the identification and documentation of processes to prioritise, plan, cost and report on the strategy  
(Component 1, Stage 1, Objective 1)**

### ***Implementation of the JCSSS***

At the time of the last progress report to the end of August 2013, the newly installed Director General had agreed to the proposed approach for launching of the working groups under the JCSSS outlined in the *Discussion Paper for launching JCSSS Working Groups*.<sup>20</sup> The launching of the working groups was delayed with a change of Minister and change of Director General to 1 and 2 October at Iririki Island Resort<sup>21</sup> and was facilitated by the Capacity Development Adviser and the individual

<sup>19</sup> As described in the original program design document of 2011

<sup>20</sup> Annexed to the August 2013 Progress report (Annex 3)

<sup>21</sup> Draft program for the two day launching of the working groups.

facilitators of the working groups.<sup>22</sup> The MJCS Executive Officer and SRBJ Partnership Coordinator met with almost every working group member and every facilitator prior to the plenary meeting of the working groups on 1 and 2 October to explain how the strategy had been developed to date; what would occur during the 2 day workshop and the longer-term intention of the establishment of the working groups. The initial two day workshop was well attended.

A significant amount was achieved during the first 2-day workshop to initiate the work of implementation of the strategies<sup>23</sup>, including:

- Agreement on a terms of reference for each working group (with some differences for each group);
- An initial stakeholder analysis by each working group;
- Commencement of draft planning of activities intended to achieve (or contribute to the achievement) of the relevant strategy;
- Agreement about some next steps that needed to be taken; and
- A presentation of proposed activities to the plenary (given common interest areas) for comment and questions.

SRBJ team members and MJCS staff provided some secretariat support to each of the working groups.

It was agreed with the Director-General, MJCS that the event originally intended for the presentation of the JCSSS to the development partners, should be postponed until such a time as the implementation plans of each (or a sufficient number) of the strategies have been developed and costed, at least in an indicative way, so as to provide a more meaningful basis for conversation with interested development partners.

There was a follow-up one day workshop with all working group members on 7 November 2013. The intention of the follow-up one day workshop in November was to share each of the working group's ideas as articulated in their Activity Action Plans designed to support the implementation of their relevant strategy after consultation with priority stakeholders and to engage groups in commencing the development of an M&E framework for their activities using an outcomes mapping approach.

Prior to each of the workshops there were preparatory meetings with the Task Force and Facilitators<sup>24</sup> in order to provide a briefing to them in terms of what would occur during the plenary workshop and to provide some suggestions for approaches that might work to support the work of the working groups during the workshops and otherwise. Task Force members and facilitators of the working groups indicated to the CD Adviser that the preparatory meetings were useful for them, however this needs to be done in a way that is cognisant of the work load of these busy leaders within the sector.

No further plenary meetings have been held with the working groups since November 2013, although working groups were encouraged to continue meeting before the next plenary workshop as required to progress consultation their draft implementation plans.

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<sup>22</sup> List of working group members, task force members and working group facilitators.

<sup>23</sup> Being the eight justice and community services sector strategies articulated in the COM approved JCSSS

<sup>24</sup> In most cases Task Force members are the facilitators of a particular working group and so as not to have TF members facilitating more than one group other facilitators were nominated – see list in Annex K

Each of the eight strategies articulated in the JCSSS are complex, high-level strategies that grapple with significant, multiparty – sometimes multi-sector - concerns within a resource constrained environment. They are representative of major complex challenges that need to be negotiated by the sector writ large and none of them lend themselves to simplistic resolution. The sector through the extensive process of consultation, refinement and development of the JCSSS<sup>25</sup> has set the bar high for achievement over the next three years. The process for launching the working groups was intended to provide all of the working groups with a consistent understanding of and platform for commencement of the work of implementing the strategies and the reason for doing this through working groups.

However, it was always anticipated that working groups would progress planning and implementation at varying speeds; with varying levels of capacity and therefore support required; with varying levels of engagement and commitment; and with varying progress within individual working groups from time to time.

Differing levels of engagement, commitment and progress are already in evidence and envisaged to continue. SRBJ is currently considering an approach that will best support these differing needs; for example, continued full plenary workshops for each occasion of support would prove frustrating for working groups that are progressing rapidly between meetings and possibly confronting for those who have not achieved as much as they might think they should despite every justification for lack of progress. It is likely that the support will encompass a mixed suite of assistance involving some plenary events integrating appropriate, targeted capacity development and some support directly to individual working groups between plenaries together with some prioritisation of working groups that demonstrate energy and momentum. A draft approach will be developed in consultation with and approval by the Director-General, Task Force members and facilitators.



*Victims of Crime Working Group working on its strategy*

### ***The justice and community service's sector annual reporting***

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<sup>25</sup> Described in more detail in the August 2013 and November 2012 Progress Reports

The SRBJ funded Monitoring Officer and MJCS Executive Officer are currently focusing significant effort on providing support to the agencies of the sector to (1) comply with the GoV's requirements with respect to annual reporting; (2) strengthen the quality and consistency of reporting across the sector where agencies are already reporting; and (3) strengthen the role of the MJCS role in coordinating and synthesising the sector's submissions to the PMO for contribution to the Annual Development Report.

The two officers are visiting agencies individually to discuss the GoV's requirements and provide support to the work. Attached in annex D is a copy of the letter from the Director General to the agencies explaining what is proposed and a guiding document provided with the intention of strengthening the consistency and quality of contributions to annual reporting by the sector.

In 2013 only the following agencies and representatives provided annual reports; SLO, DWA, the Child Desk, the Disability Desk, the VLC, Department of Correctional Services and VPF-Crime Prevention Unit. In an initial review of those submissions it would appear that all, with the exception of the SLO, could strengthen the quality of analysis. Some agencies have already confirmed that the guiding document assists in enhancing the quality of reporting;<sup>26</sup> and in one agency reporting has been done by an adviser for six years and it is hoped it will now be done by ni-Vanuatu staff.<sup>27</sup> However, this work is nascent and it will not be clear until closer to the time for submission to the MJCS of the inputs from across the sector to what extent there has been strengthened reporting.

#### **Case and data management support**

At the end of August the Case and Data Management Adviser (CDMA) had completed a *Preliminary Diagnostic Assessment of case and Data Management* across the sector with the aim of providing a 'blueprint for future core business systems for each agency and longer term integration'.<sup>28</sup> This diagnostic, together with the support for enhancements in data quality and processes across the sector have resulted in incremental improvements as well as a baseline of the current position of case and data management across the sector; and in some institutions now provides a reliable baseline of cases within the auspices of that institution (this is true for Supreme and Magistrates' Courts)<sup>29</sup>. The Preliminary Final Findings in terms of the diagnostic for case and data management across the sector was delivered by the CDMA in November of 2013 at a HOAG meeting which resulted in active and engaged discussion.

The CDMA is in the process of developing three concise business cases for development partners for case and data management needs for three core groups within the justice sector's public offices, being one for the police, one for the courts and one for the legal offices<sup>30</sup> together with an overall 'roadmap' for the sector as a whole which will provide a staged approach for progressing the case and data management of the sector in an appropriate and integrated way. While this deliverable has been delayed from planned completion at the end of 2013, it does not cause delay in the progress and continuation of activities supporting case and data management across the sector.

Support for case and data management to the sector has resulted in:

- Strengthening certain points of collaboration (including sharing ideas of future system needs, coming together in seeing how other systems operate; and encouraging a consensus

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<sup>26</sup> For example, the Vanuatu Law Commission

<sup>27</sup> Department of Correctional Services

<sup>28</sup> Annex 6 to the August Progress Report

<sup>29</sup> See small vignette of Supreme Court and Magistrates' Court support staff efforts in improvements in data quality on the next page.

<sup>30</sup> Legal offices include SPD, Ombudsman, SLO, PPO, and PSO.

that a common approach supported by the OGCIO is beneficial for all agencies within the sector)

- Increased management of information and quality of data in the Magistrates' and Supreme Courts.
- Increased understanding by the courts of what is involved in/included in a court management system.
- Increased skills and understanding by staff in the use of MS Excel at the courts
- Greater understanding by the officers responsible for CRIMS within VPF regarding issues of data entry practices at Port Vila station.
- Awareness by several offices of the need to complete backlog of data entry (SLO, PPO)
- Commencement of negotiation for an enhanced case management system for PSO with the potential for use by other public "legal offices".
- Analysis by SLO office of document and workload tracking resulting in a greater understanding of the workload practices amongst managing lawyers within that office.
- OGCIO actively pursuing a whole of government approach for the Document Management System/Saperion currently used by VNPF and would have significant benefits for all government agencies.
- Improving the 'readiness' of the agencies across the sector to proceed to case and management systems that are entirely systems based and reliable.



*Case Progression Working Group working on its strategy*

**A vignette:**  
**Hard work of the Supreme Court and Magistrates' Court Support Staff  
in Case and Data Management**

**The data situation in June 2013:**

- ☉ All secretaries and registry staff had been maintaining their own Excel files to keep track of their respective cases.
- ☉ At that time it was clear that all of the administrative and registry staff were making a significant effort to ensure the data in their purview was consistent, correct and complete (especially when the data quality was compared with that of other justice agencies at that time).
- ☉ However, due to the individual nature of the spreadsheets, consistency across all of the data entry effort was not sufficient and needed improvement (for example, by using an agreed set of case types). Without an increased level of consistency it was very difficult to report confidently and use the data for caseload analysis.

**Administrative staff of the Supreme and Magistrates' Courts:**

In the Port Vila registry of the Supreme Court of Vanuatu there are six secretaries each assigned to a judge and two registry staff in charge of case registrations and completions, document acceptance and recording for filing. In Luganville there is one staff member fulfilling all the registry filing and registration and completions.

In the Magistrates' Court there are four secretaries in Port Vila and one in Santo, and one registry staff member in Port Vila and one in Luganville.

**What these staff have achieved over the last 8 months since June 2013:**

- ☉ With the very active involvement of the Chief Registrar the spreadsheets of the individual staff have been linked; reports have been established; and most importantly, an agreed set of definitions such as case types, case status, locations and decisions, have all been put into the spreadsheets.
- ☉ This has resulted in both courts being able to have real-time information on any range of dimensions of their cases and case load, for example, cases filed this month, cases pending by judicial officer, and even the stage to which each case has progressed.

**None of this would have been possible if the registry staff and secretaries did not take such pride and ownership in their work particularly their individual spreadsheets, and additionally that their own records are complete, correct and consistent.**

The result of their diligence was demonstrated when at 5.05pm on Friday 28 February, the Chief Registrar commenced his end of month analysis, and within a period of 30 minutes, he had seen the figures balance for filings, completions and pending cases across both of the courts and across the judicial officers - VERY IMPRESSIVE.

The courts and Stretem Rod Blong Jastis owe a big debt of gratitude to Anita, Charlene, Evelyn, Ethel, Naomi, Jessica, Cynthia, Gloria, Mandeng, Rodrice, Florina, Veronique, Evelyn and Shirley.



It is the intention of the program to complete a sector wide communications strategy prior to the commencement of stage 2. This work is yet to start but will be supported by the Monitoring Officer together with an IT volunteer and subsequent communications volunteer intended to support the MJCS (see also section 6 below) under the supervision of the Monitoring Officer.

It is also proposed that there be a focus on supporting the MJCS to strengthen development partner relations and coordination at the point at which an appropriate number of implementation plans for the eight sector strategies under the JCSSS are sufficiently detailed to be costed indicatively and be shared with development partners (see also section 6 below).

Liaison and consultation with development partners on behalf of SRBJ occurs on a regular ad hoc basis to ensure harmonisation of support (see section 9 below).

All component 1 support has been advanced in a way that is aligned where possible with GoV processes and requirements in terms of planning and reporting requirements, budget cycles and requirements, and monitoring and evaluation arrangements.

**Ensure sustained delivery of current level of legal services to the GoV and population  
(Component 2, Stage 1, Objective 1)**

SRBJ continues to provide:

1. A long term adviser placed within the PSO
2. A long term adviser placed with the SPD
3. A short term Capacity and Leadership Development adviser to support capacity development across the sector
4. An administrator for the Law Student Internship Program (LSIP)

The outputs of this support since 1 September and prior have been:

**PSO**

1. Establishment and maintenance of a productive working relationships with the Public Solicitor and the legal staff, demonstrated by the fact that all legally qualified staff seek case related advice from the adviser, as needed.
2. Provision of advice to the Public Solicitor on practice management issues including conflict situations; time limits for cases; and administrative matters related to file management.
3. Provision of and support for other lawyers providing regular fortnightly in-house training focusing on staff identified areas of need, including pleadings, and wills and probate for example.
4. Support and facilitation of relevant cross sector training initiatives including for example the facilitation of the attendance of Judge Spear at the PSO to conduct a workshop on the 'basics of a criminal defence' in December 2013.
5. The PSO Lawyer's Manual (37 chapters, 200 pages) is complete in draft form and ready for peer review (likely to be peer reviewed and finalised in April).
6. Support for the law student intern under the LSIP and junior lawyers in the office.
7. Advice and support for improvements in case and data management for the office.
8. Induction of the new legal officer for the PSO for a two week period before he was posted to Santo.
9. Assistance in obtaining registration of all PSO's eligible lawyers. All lawyers have now been granted registration.
10. Design and implementation of case attendance reporting form to assist with file management.
11. Support to the preparation of court of appeal hearings for PSO.

## **SPD**

1. Establishment and maintenance of productive relationships with all of the prosecutors, Officer in Charge and staff of the SPD to provide guidance on litigation and investigation of matters.
2. Provision of in-house training on a monthly basis on chapters as they are developed in the State Prosecutors' Handbook. Completion of the 29 page "Trial Process" chapter of the Prosecutor's Handbook.
3. Provision of advice and support to the SPD to improve case management systems in coordination with the CMDA including in this period overcoming the backlog resulting from the lack of registration and drafting of charges during a 3-month period when the SPD was without power and water at the end of 2013 into early 2014.
4. Attendance and support for the strengthening of juvenile justice days at the Magistrates' Court and the fast tracking of juvenile and domestic violence matters within the SPD.
5. Enhancing the capacity to track cases with VPF and PPO from the SPD.
6. Completion of the updates to the SPD awareness materials that relate to domestic violence and youth justice,
7. Support of a grant application to carry out a Warrant Operation (December) which is still to be implemented because the SPD vehicle was under repair from December to end of February.
8. Support for a grant application for power and water for the SPD's office to allow it to recommence work (after 3 months without these utilities).
9. Development of nine charge templates for the SPD which will reduce time taken to draft charges and which could potentially be used by operational police.
10. Support for a full day of advocacy training at the Police College on 27 February which was attended by eight SPD staff and three PPO staff.
11. Commencement of the development of a tool for the monitoring of in house training which needs expansion and refinement but was used for the advocacy training.

## **Capacity Development across the sector**

Since 1 September the CD Adviser:

1. Has developed an approach for the implementation of the JCSSS and facilitated that process (see Component 1, Stage 1, Objective 1 above).
2. Has completed a sector wide Capacity Development Strategy (Annex E).
3. Has developed and consulted on a Women in Leadership Development Strategy
4. Has drafted a process for funding of fees of USP studies by SRBJ for the sector which has been endorsed by the PMG but not yet implemented. The approach still needs to be consulted on with agency heads for endorsement.
5. Has commenced identification of and consultation with potential service providers for capacity development interventions in Stage 2.

## **The Law Student Internship Program**

In the first Semester of the LSIP there were nine host offices participating in the program. By the second semester of the program, the Administrator was able to attract four additional offices to participate in the program, being the Telecommunications Regulatory Authority (TRR), the Utilities Regulatory Authority, the Melanesian Spearhead Group and the Ministry of Lands. Additionally, 23 applicants applied during the second round of the program being an increase of five from the first round (some of whom indicated a preference to participate in the second semester but wished to secure a place at the beginning of the year). Seventeen students were selected. Accordingly, there has been a notable increase in participation both by host offices and by students in the program which is pleasing if the program is to be continued. The LSIP has been provided with two rooms at the Community Legal Centre facilities at the School of Law, USP providing it also with appropriate

visibility on campus although there is some pressure for space at the campus and no guarantee that the space will remain available.

The LSIP uses weekly feedback sheets and a LSIP Evaluation Survey to monitor quality of the placements. Anecdotally, host offices have been positive about the placement of students in their offices and eight students were employed during December 2013 and January 2014 on a part-time, paid basis with an opportunity for full time employment in 2014 which would indicate satisfaction with placements both by students and host offices. Final Analysis of the 2013 evaluations is not yet available.

Early lessons learned from evaluation of the first semester of the LSIP would indicate that:

1. Engagement of supervisors required better articulation in the MOUs
2. Desired outcomes of the supervision required improved specification.
3. An extended application period is needed after the Christmas vacation to allow application by regional students.
4. The student code of conduct needed to be reviewed which occurred in January so that the code of conduct could be included in the induction program for 2014 for students.
5. A new section was added to the application form to allow students to identify areas of legal interest for consideration in matching applicants to host offices
6. The ethical duty of lawyers to uphold confidentiality and solicitor-client relationship were added to the induction program to ensure understanding of these issues before placements commenced.
7. All host offices would like to provide some criteria for the student interns (such as nationality, gender, area of interest etc.)
8. All host offices requested that they be informed of who has been selected for placement with them before accepting the placement in order to verify and validate the selection.



*LSIP Administrator, Minister of Lands and Executive Officer of Lands with MOU for student placement*

**Enhanced understanding about key legal issues to inform policy development, particularly those identified by the GoV as priorities in 2011-12 including:**

- a. Better coordination and strengthening of sector plan activities;**
- b. Human resources and capacity;**
- c. Provincial service delivery;**
- d. Legislation and international conventions; and**
- e. Support for victims of crime.**

***(Component 3, Stage 1, Objective 1)***

Component 1 is primarily concerned with sectoral coordination and collaboration so progress with respect to (a) above is dealt with under Component 1 above and (b) above is dealt with under Component 2 which is focuses on capacity development.

#### **i) Provincial Service Delivery (c. above)**

Aspects of the program that have strengthened its reach beyond the capital since 1 September 2013 include:

1. Funding under the grants facility for IT equipment for the VPF CRIMS database for all provinces other than Shefa (already equipped) which will allow real time input of data from all provinces (see Component 3, Stage 1, Objective 2 (vii) for additional detail).
2. Funding under the grants facility for the Disability Survey pilot (see Component 3, Stage 1, Objective 2 (vii) for additional detail) to be conducted in provincial pilot sites.
3. Funding was previously provided for solar electrification of three island court sites and the Chief Justice held a trial in Epi during the last week of February 2014 and was able to confirm full satisfaction with the installation of the solar panels for the island court in Epi which resulted in the continuation of hearings after 7pm at night with lighting, fans and computers.
4. The SPD and PSO adviser provide support for the capacity of lawyers, prosecutors and police officers outside Port Vila.
5. The Women in Leadership workshop included a number of women who are not based in Efate.
6. Public lawyers based in the provinces were funded to attend the Pacific Lawyers Conference in Port Vila in November 2013 under the grants facility (see Component 3, Stage 1, Objective 2 (vii) for additional detail).
7. The research in preparation for the Pilot in Malekula anticipates extension of program reach to provincial and community sites in stage 2 (see (iii) below for more detail).

The following sector strategies in particular, once progressed, are likely to focus attention on service delivery needs beyond Port Vila:

**Access to justice across all provinces:** Develop and implement appropriate and evidence based collaborative strategies that address barriers to access; and

**Infrastructure:** Develop and implement a comprehensive infrastructure plan.

However, the access to justice working group has not had significant engagement by participants and may need additional support or be delayed.

#### **ii) Legislation and international conventions (d. above)**

The SRBJ's support in this area has continued to focus primarily on a significant package of payroll and operations support to the nascent VLC.

The VLC has completed a report reviewing proposed amendments to the Drugs Act and on three pieces of legislation simultaneously relating to the Water Supply Act, Water Management Act and aspects of the Penal Code (sexual offences and customary reconciliation with respect to sentencing).

The VLC received criticism from the Chief Pharmacist that the prohibition of some drugs did not make an exception for drugs of addiction used for medicinal (including palliative) purposes. By the time this critique had been received the VLC had delivered its report to the stakeholders including the requesting ministry. There appeared to be some reticence to respond formally to the criticisms made by the Chief Pharmacist however, in communicating with the Legislative Drafters at the SLO, the VLC has requested that the Chief Pharmacist's concerns regarding the appropriate categorisation and scheduling of drugs be appropriately reflected.

The VLC has recently completed its report on the Water Supply Act and the Water Resource Management Act, as well as Penal Code with respect to the relevance of customary reconciliation in sexual offences.

### **iii) Support to victims of crime (e. above)**

The most significant proportion of SRBJ's funding with respect to victims of crime continues to be directed to the Save the Children's (SCV) Child Protection Program.

SCV provided a revised Progress Report in September 2013 which raised a number of concerns with SRBJ as grantor in terms of the overall strategic oversight of the program (see Annex F). The concerns in summary included:

1. Lack of any evidence of output monitoring or iterative learning.
2. Lack of appropriate assessments of progress.
3. Lack of clear evidence of M&E system 15 months into the program (particularly in the light of the fact that the predominant proportion of the work related to pilots).
4. Lack of evidence of ongoing evaluation of a significant amount of training.
5. Lack of baseline.
6. Significant expansion of pilot sites beyond the intentions of the original design.
7. Lack of clarity regarding the objectives of the YEPP tool.
8. Significant deficits in the report with respect to key aspects required by Australian Aid for progress reporting (see Annex F for detail).

As a consequence, it was agreed that there would be more regular meetings between SRBJ and SCV to manage the outputs of the Child Protection Program more closely. Given the size and reputation of the international NGO, it had not been envisaged previously that this level of advice and support would be needed or sought with respect to aspects of managing the implementing of the program, including reporting and monitoring and evaluation. Meetings were held fortnightly through October till the end of 2013. An agreed timetable of deliverables was developed in mid-October to ensure a consistent understanding by the SRBJ and SCA.

During November SRBJ M&E team (M&E Specialist and Monitoring Officer) participated in a monitoring trip to Espiritu Santo with the Child Protection team.

SCV had two further key deliverables under the grant agreement ending 2013 being a Baseline Report for the YEPP pilots (December) and a Child Protection Program Completion Report (January).

The monitoring trip, Baseline Report and Completion Report did not allay the concerns outlined in 1-8 above (Feedback on all three are provided in Annexes G, H and I) and provided some additional concerns regarding the appropriateness and utility of the YEPP tool.

It had been agreed as between SCV, SRBJ and Australian Aid during the latter part of 2013 that there would be two pieces of independent evaluation conducted with respect to (1) the YEPP community engagement tool and (2) the Child Protection Program commencing in December 2013 and continuing into 2014. The three organisations were involved in the recruitment process for the independent evaluator. This work is ongoing and the aide memoire for the first piece of evaluation has just been delivered (Annex J). This piece is directed to evaluating the YEPP community engagement tool.

The evaluation of the tool and program are intended to provide guidance to the program for the future as well as recommendations for the refinement or redesign of the approach for stage 2 if agreed. During the evaluation and until 30 June all YEPP tool pilots have ceased and SCV is focusing on child protection training and awareness with a number of key stakeholders as well as reinvigoration of national level support to GoV.

During April 2013, at the request of the then Director-General of Justice, a short term TA was provided to assist in strengthening coordination and collaboration by organisations involved in child protection under the oversight and direction of the Child Desk Officer. This work was envisaged to be a two-part input but was never completed as a result of lack of availability of the TA and advice of the former Director-General not to proceed with alternative TA.

Despite the foundations for coordination being laid this work was not progressed by GoV representatives. Facilitation, oversight and direction setting by the GoV in this area has remained weak.

The areas of future focus need to include encouraging regular meeting of the CPWG, supporting the capacity of the Desk Officer and MJCS (where the Child Desk Officer has now been placed) to oversee and coordinate activities aligned with an agreed direction.

SRBJ may have some funding available to support the development of a national Child Protection Framework to support the Child Desk officer if required and SCV has offered to provide a seconded officer to support the Child Desk officer on a part-time basis, although this offer has not as yet been taken up by the Child Desk Officer.

Support for women and youth is dealt with under Component 3, Stage 1, Objective 2 below.

**Under these headings support will be provided subject to early discussions between GoA and GoV on selected issues such as family law related to progressing the rights of women, children, people with disability, the interface between formal and customary law particularly at community levels; and continuing legal education beyond specific agencies.  
(Component 3, Stage 1, Objective 2)**

**iv) Progressing the rights of women, children, people with disability**

## **Youth**

SRBJ supported the first ever week long Youth Justice Symposium in July 2013. Arising from that initiative was the Youth Justice Forum (YJF), a weekly collaboration between WSB and USP which ran for three months to December 2013. This forum was intended to respond to youth's desire for greater understanding of the justice sector.

636 youth from Port Vila's urban and peri-urban communities attended the YJF between 27 September and 6 December 2013 with an average of about 60 youth each week. Some of the achievements claimed by the organisers of the YJF are establishment of mechanisms for advancing Youth Justice Vanuatu priorities as identified in the MOA signed during the YJS; establishment of valuable relationships with other organisations; greater understanding of some aspects of the justice system; understanding of the operation of committees and project and action planning.

The SRBJ M&E team<sup>31</sup> conducted monitoring visits to the YJF and made the following recommendations for strengthening the YJF if it were to be funded in the future:

- a. The approach and methodology applied in the evaluative community consultations needs to be strengthened if it is to be used to guide the content and quality of the forum outputs. There is a current risk of disseminating misinformation.
- b. Methodologies for monitoring and evaluating the program could be reviewed to be more youth-friendly, and to take account of low levels of literacy among some participants.
- c. A follow-on program would be more effective if it:
  - addresses current issues raised by youth with respect to their effective participation and trust;
  - ensures presentations by guest speakers are more targeted to youth justice needs and priorities;
  - develops a formal skills session program ( for example to cover areas such as leadership, secretariat skills, program planning and implementation and financial management);
  - develops a longer-term syllabus rather than just an *ad hoc* arrangement of speakers;
  - reviews the role and function of mentors, and considers how more suitable mentors might be targeted to participate;
  - ensures youth are involved in the writing of the proposal and planning of activities; and
  - considers additional modalities of youth appropriate communications for YJF public relations.<sup>32</sup>

The recent UPR report to the UN (February 2014) reported on the Youth Justice Symposium and the Youth Justice Forum. Both mechanisms have enabled greater access of youth to justice decision making. There are now two youth representatives participating in the JCSSS working groups (one on the Crime Prevention and one on the Juvenile Justice working group) which are the first opportunities for young people to be part of the decision making in the Justice Sector. SRBJ has been privileged to support both the YJF and the participation in the JCSSS.

## **Women**

In preparation for the pilot in Malekula, SRBJ has recruited TA support for two pieces of research regarding community engagement tools appropriate for use in the Vanuatu context; kastom and

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<sup>31</sup> Being the M&E Specialist and the Monitoring Officer

<sup>32</sup> For greater detail see SRBJ Monitoring Visit of 1, 4 & 5 November 2013 to YJF in Annex G

human rights as well as a draft staged approach to the community pilots. It is intended that the staged approach will be consulted on and refined in preparation for implementation in Stage 2.

SRBJ has approved funding for a rural women's day program in Malekula but otherwise not provided further support to DWA. There appeared to have been some misadministration of grant funding from SRBJ by DWA which resulted in the suspension of a staff member.

Despite strategic support and offers of additional support from SRBJ and other development partners and programs, the comment made in the November 2012 and August 2013 Progress Reports that the DWA may not yet have found a way to advance its agenda beyond awareness-raising and consultations remains true. A gender policy has not progressed; no authorised persons have been appointed and the implementation plan for the Family Protection Act has not been advanced despite available funding.

SRBJ's work with respect to progressing the rights of children is focused on child protection which is covered under (iii) above.

### ***Disability***

SRBJ is providing funding support for the piloting of a disability survey which it is intended will ultimately be used nationally. The work was developed by the Disability Desk Officer in consultation with and with the support of disability NGOs.

## **v) Interface between formal and customary law**

### ***Malvatumauri National Council of Chiefs***

SRBJ current support in this area includes:

1. The continued provision of responsive demand driven support for strategic planning of the MNCC provided by the Capacity Development Adviser.
2. The continued provision of support for capacity development plans for the MNCC which are still in draft and awaiting comment from the recently appointed CEO and others. The capacity development plans relate to a proposal for capacity development for members of the MNCC with respect to topics such as financial management, organisational skills, record keeping, problem solving, communication and public speaking and mediation intended for stage 2. The implementation of this training may be delayed while there is a process of identification of chiefs undertaken by the MNCC.

There are indications that the newly appointed CEO will be looking increasingly to support from SRBJ for the strengthening of the MNCC and the chiefly infrastructure as a result of the recent significant reduction in the funding allocated to the Australian Aid funded Land Program *Mama Graon*. Some of the activities under consideration by the MNCC are significant and have not been programmatically budgeted for in stage 2 outside of capacity development (component 2) and grants (component 3).

### ***JCSSS***

SRBJ will be supporting the development of an implementation plan related to the first sector strategy under the JCSSS which focuses on *customary disputes* which is at the heart of the interface between formal and customary law under component 1. At the moment the working group appears, perhaps as a result of its membership, to be dealing predominantly with issues related to land disputes and perhaps piggy-backing off initiatives within the Ministry of Lands in this area, although it has the mandate to deal with disputes including family disputes more broadly.



### ***Thematic and community based work***

All of the thematic and community-based work related to women, children, youth and community policing must navigate the consequences of seeking to work within or address challenges within a system that incorporates custom and formal law, less in a formal hybrid legal system as it is often described in the literature and, more in “an *ad hoc*, uneven, and hybridisation that is unpredictable and diverse, and highly dependent upon individual practices and preferences.”<sup>33</sup> Its value within a formal state legal system, however, where there is a need to adjudicate complex issues across diverse fields of interest ideally with a level of fairness and neutrality, is questionable”<sup>34</sup> While the existence of legal pluralism and hybridity are assumed in the context of Vanuatu, it is poorly examined particularly when targeting an integrated intervention to improve justice outcomes for particular groups. A good understanding of the interplay and weakening of justice outcomes as a result of the *ad hoc*, uneven hybridisation of the system is required as an underpinning of all of the community-based work proposed in stage 2. SRBJ has continued an exploration of this area through further research in preparation for the Malekula pilots.

### **vi) Continuing legal education (CLE) beyond specific agencies**

Support for CLE beyond specific agencies has included:

- Funding of SPD Prosecutor to one month Fiji Women’s Crisis Centre (FWCC) domestic violence workshop.
- Consideration of funding of another prosecutor from the PPO
- Attendance of public lawyers at the Pacific Lawyers Conference held at Le Lagon in November 2013.
- SRBJ is also exploring with Vanuatu Law Society’s (VLS) ways in which it might provide sustainable support to the self-initiated CLE seminars established by the VLS using Vanuatu sourced expertise on a volunteer basis to provide monthly presentations to the legal community.

### **vii) Grants Facility**

The Facility is demand-driven in that it responds to requests for funding from agencies and other bodies within the sector. The Facility is one vehicle by which capacity development is provided often aligned with programmed activities of SRBJ, for example, the data entry support, CRIMS support, the planning retreats and the support for interns. SRBJ works with partners on the thematic detail of a grant, provides ongoing support and guidance during implementation and then supports reporting and financial acquittal. There is also follow up on reporting on the effectiveness of the grant with a view to informing future decision making and to improve future programs.

During the reporting period, SRBJ has considered the reach and distribution of its grants facility. This consideration has been timely as it has coincided with the police sub-design team’s consultations in Vanuatu. Table 1 expresses the expenditure provided to each agency under component 3 of the program (grants are the predominate expenditure under component 3).

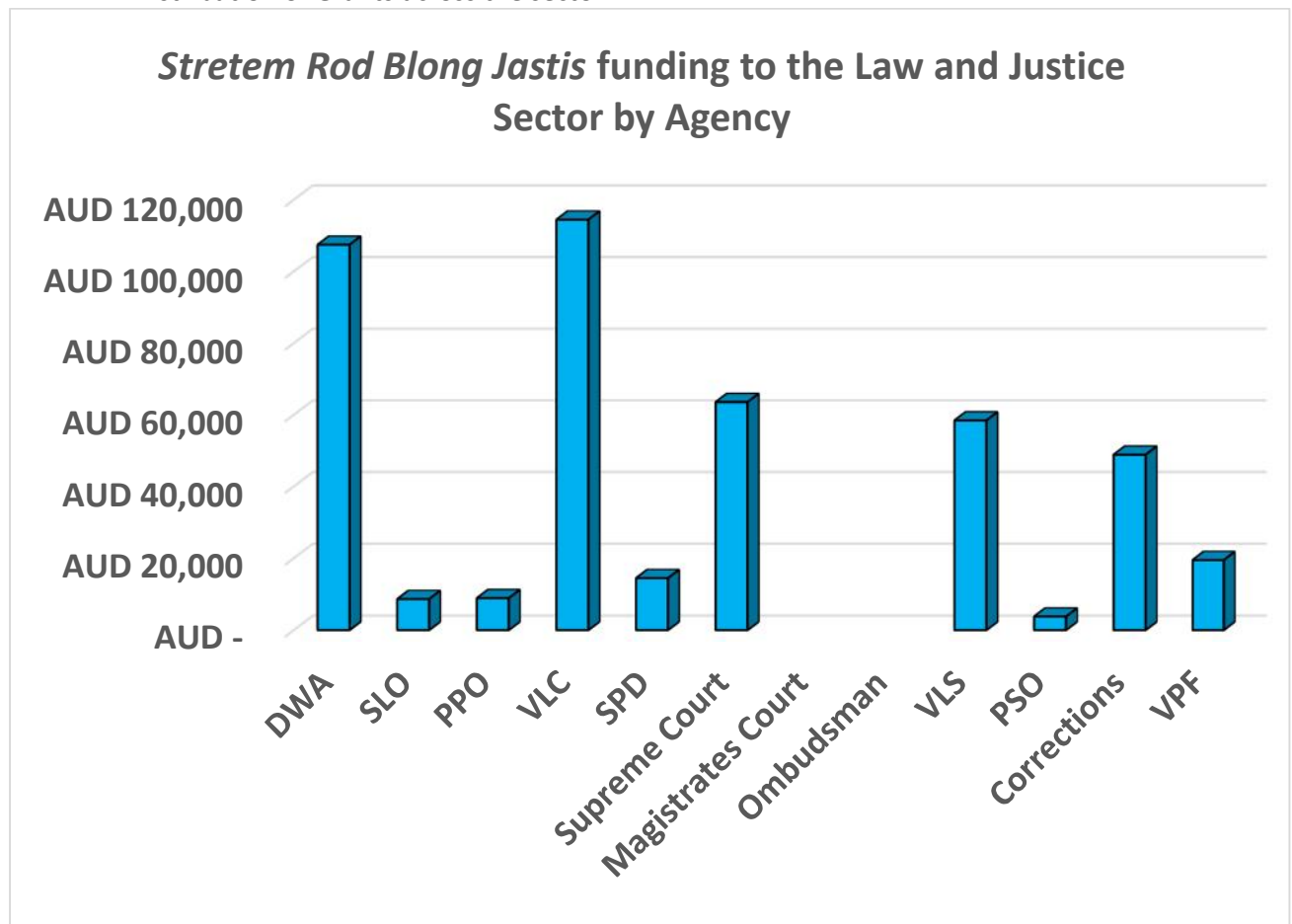
During stage 2, it is intended that SRBJ will focus additional support on improving the capacity of agencies to plan activities; apply for grants; manage implementation; manage budgets and acquittal; and report on activities. It is intended that there will also be additional administrative support allocated to the management of grants.

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<sup>33</sup> Heidi Tyedmers, Concept note on Kastom & Human Rights, November 2013, p5

<sup>34</sup> *ibid*

**TABLE 1 – Distribution of Grants across the sector**



The above table illustrates some disproportion in funding across the sector. Reasons for this are varied and include:

- Some agencies have a greater capacity in seeking donor funding (it is suggested DWA exemplifies this);
- Some agencies have had grants which are more expensive (Corrections has only had one relatively high value grant);
- Some agencies have greater needs than others; and, or
- Some agencies have not put forward grants which are appropriate to the approach of the program.

The program accepts that the drivers behind the funding distribution may be varied however there is a need for the program to continue to monitor the distribution of funding across the sector to ensure no artificial inequity exists between agencies. As the grants facility continues to mature the program is exploring moving funding intakes to a quarterly cycle. This would enable the program to assess a greater volume of applications every intake. This would give greater relativity to the PMG as it weighs the pros and cons of various applications. Similarly such a structured change would allow the PMG to promote greater forward planning, an element which is crucial in budget preparation for the government, and would support the agencies to develop more thorough strategic planning as they look forward in their budgeting.

Significant grants from this period (from September 1 2013 through 28 February 2014) are:

#### Disability Day and Disability Survey

Disability Desk Officer, managed a significant process for International Day of Persons with a Disability. Held on 3 December 2014 the day was celebrated across 5 provinces. The Tanna disability day was a particular success and was attended by the Minister for Justice, The Honourable Jonas James. An article from Sam Kaiapam outlines the day below.

#### ***International Day of Persons with Disability 2013 – by Sam Kaiapam, Disability Desk Officer***

Vanuatu joins other countries to honour its citizens who live with some types of disabilities by organizing activities and gathering persons with disabilities together to show that they are important in the community.

The main objective of organizing an event on the set date is to promote the rights of persons living with disabilities and to show them that the government, NGOs and families welcome them into development in any sector.

The Disability Desk through funding support from the VLJP organized the national celebration on the island of Tanna. Apart from the National celebration hosted by the Government, there were other activities in the Shefa, Malampa and Sanma Provinces.

The national program which was celebrated in Tanna was one of the successful disability day celebrations. Government officers who attended the celebration included the Minister for Justice & Community Service Honourable Jonas James and his Liaison Officer and the National Disability Desk Officer. A representative of the VLJP was also part of the delegation who was responsible for handling finance for the activity. Other heads of Tafea Provincial Government Council, NGOs and Civil Society Organization were also present during the celebration. The turnout from the communities was very positive which saw about 500 plus people who parade through Tannas popular Black Man Town to the Laminu Stadium where the celebration was held.

As part of the implementation of the National Disability Policy and the Convention on the Rights of Persons with Disabilities, two major outcomes of the celebration were: the signing of the MOU between the Disability Desk and the Tafea Provincial Government Council; and the launching of the Tafea Disability 3 year Plan. This showed the commitment of the Tafea Provincial Disability Committee which was established in March 2012.

Activities of the day included inclusive cricket and inclusive soccer. Other entertainment came from a local string band group from Tanna, custom dance from Tanna, as well as performances from youths of the Presbyterian Church of West Tanna.

The Disability Desk on behalf of the government thanked the VLJP for its continuous supports towards the field of disability, especially in funding the 2013 International Day of Persons with Disabilities celebration.

As part of the grant offered by the Program a disability survey was developed to help start the work of establishing a centralised disability database for persons with disabilities. The database will also be used to support policy development, research and sector monitoring. The survey will provide information to the Government of Vanuatu on the needs of peoples with a disability and will assist in providing an evidence base to tailor its support.

#### SLO and VLC Interns

During the reporting period a unique opportunity has arisen from the Legal Student Internship Program (LSIP) which the program supports in collaboration with the USP. The internships, which have been successful in themselves, have now paved the way for two offices; the SLO and VLC, to request their interns to work for them over the university summer holiday period.

Both offices received two interns each and their tasks varied from administrative support, to research. All progressed the work plans of the offices in which they were placed. One of the intentions of the LSIP was to develop a stream for young lawyers to enter into the sector; these summer internships have been a clear step to achieving this outcome and it appears that many of the relationships across the sector with high performing interns will prove to be enduring.

#### Dangerous Drugs amendment review by VLC

This period saw the release of the dangerous drugs act review undertaken by the VLC. This review was undertaken after a request was received by the Commission from the SPD as it views the current legislation as out of date and unsatisfactory particularly where it deals with cannabis and other illicit substances.

A final copy of the draft review was received by the program on 2 December 2013. Although there have been a few issues stated about the review (as mentioned above), the review is under consideration by the GoV and it is expected that drafting will commence later in 2014.

#### CRIMS computer procurement

During the period the Program received a grant request from the VPF CRIMS Office in police headquarters. CRIMS is a database which captures a range of information from data on criminal activity and case logging to information about budget and planning. The procurement of computers was to enable staff to actively use the database across the country (rather than as previously by sending it to one location in Port Vila).

While the procurement and support to CRIMS is viewed as a success a consequence of the procurement has been that the CRIMS staff (and the police more generally) have not transitioned to a computer based system from a paper system seamlessly. The CDMA is investigating and working with staff to improve their skills in this area. Recently the program funded a relatively inexpensive computer training series which will also enhance computer skills. The effectiveness of database usage (especially reliability and quality) is being monitored closely by the Program and CDMA, in particular.

#### SPD power reconnection

During the reporting period the power to the SPD was disconnected by UNELCO based on previous unpaid bills from the police. The program initially did not respond to this on the basis that power should be a core operating responsibility of Vanuatu Government. After four months without power and inadequate systems to manage the workload coming into SPD during the cessation of work at the office, the Program was requested to intervene. In late January the PMG approved a grant to the

value of vt755,005 for the reconnection of power to the office and the office was reconnected on 23 January. A significant consequence of the period without power and water has been the backlog of files in the SPD, now awaiting the drafting of charges and service of documents.

Several lessons have been learnt from this grant. Firstly it will be important to pursue the possibility of SPD developing its own budget line within the police. Discussions about this have already commenced with the VAPP. The SPD was very negatively impacted by the broader police financial mismanagement. Additionally, the Program should in the future think carefully about acting quickly, even for core operating expenditure where its support may help the government to avoid situations of a greater backlog developing, although it was complicated in this instance by the position of SPD within the VPF. Finally, it is clear that capacity within the corporate services arm of the police remains extremely low and the program should take this into account if engaging with them into the future.

#### Renovations of the Supreme Court and the Public Prosecutor's Office

Many buildings in the Law and Justice Sector in Vanuatu have fallen into a state of disrepair. Agencies have either not sought sufficient funding for their maintenance or modest budgets have not been effectively managed or allowed for maintenance. The Supreme Court and the PPO buildings both have significant issues. Both buildings have holes in the roof, cracking or breaking flooring, leaks during periods of rain and a number of other general maintenance matters too numerous to describe. They are both converted houses and many of their design elements are not fit for purpose. The Program was not designed to support large scale infrastructure works across the sector although small scale renovations were envisaged in the 2011 design. The PMG authorised limited renovations of both buildings to improve their functionality and provide a basic workplace standard.

The Contract Manager has been working with The Office of Planning (Mr Dick Abel), Department of Public Works, and stakeholders from both the Supreme Court and PPO to develop a scope of works, tender advertisements and conduct technical proposal evaluations which are GoV driven and which conform to both DFAT and GoV standards. The process is progressing and it is anticipated that renovation work will commence at the Supreme Court in early April and in the PPO in late April. The cost of renovation for both offices is approximately Vuv3.5million.

#### Human Rights Shadow Reports

This small grant (total value A\$4,412.82) involved conducting a workshop and coordination for engagement with civil society and NGO's in Human Rights reporting to provide additional support to the work of RRRT. Participants travelled from the outer islands of Vanuatu to give views about compliance to human rights and to advocate for the promotion of human rights and particularly the rights of the child and persons living with a disability.

24 women and men participated and represented the following organisations:

- Vanuatu Educational policy advocacy coalition
- Live and learn Environmental Education
- Transparency Vanuatu
- Vanuatu Christian Council of Churches
- Vanuatu National Council of Women
- Wan Smol Bag ( Rainbow theatre Group)
- Vanuatu Society for Society for Disable People

- Disability Promotion & Advocacy Association
- Frangipani Disable Association
- Irene Zara Aids Foundation
- Youth Challenge Vanuatu
- Save the Children Australia ( Vanuatu office)
- Penama Society for Disable People

The following draft shadow reports were developed:

- The convention on the rights of the person with disability
- The convention on the rights of child
- Optional protocol on the involvement of children in armed conflict
- Optional Protocol on the sale of children, child prostitution

The workshop also concluded an approach to consultation for drafting of future reports and mapped out its way forward for future reporting.

**Sector wide monitoring system developed to enable GoV and partners to monitor progress and assess sector-wide achievements. This will encompass three kinds of monitoring:**

- a. Policy development and the outcomes of policy changes;**
- b. Sector's progress against its strategy objectives; and**
- c. Donors' contributions to achievement of objectives.**

***(Component 3, Stage 1, Objective 3)***

#### **viii) M&E Outputs**

It is intended that the sector PMF will be appended to the Ministry Corporate Plan 2014-16 for the MJCS once finalised. The Ministry Corporate plan was developed in draft by the budget adviser but requires significant refinement in terms of clarity and structure, once the proposed human resource structure for the Ministry corporate services 'hub' is finalised, agreed and approved. The approval of the proposed structure for the Ministry corporate services hub has not progressed significantly since the new Director-General has been appointed to MJCS but the program understands that it is the intention of the MJCS to obtain COM approval for a structure at the next COM meeting.

The PMF will include monitoring of the implementation of the JCSSS through the Working Groups mechanism, and reference existing reporting against agency plans.

Key M&E outputs since 1 September 2013 include:

- Advice and support to LSIP in evaluation of the program including development of forms in preparation for a second intake at the commencement of 2014.
- Participation and reporting on a Monitoring trip with SCV to Espiritu Santo in November 2013.
- Monitoring visit and report to the of Youth Justice Forum
- Advice and support to all of the sector agencies in preparation for reporting for the Annual Development Report 2013. It has not been possible to meet with PSO and judiciary as yet.

- Support to the MJCS in strengthening its M&E capacity in responding to the requirements of the PMO's M&E Unit, particularly with respect to programs over 10M vatu, implementation of relevant COM decisions and UN Conventions under the MJCS.
- Mentoring and support of the MJCS Monitoring Officer by the M&E Specialist.
- Coordination with the AusAID Evaluation Capacity Building (ECB) program to incorporate progressive improvement into SRBJ Progress Reporting, M&E Frameworks and Design.
- Liaison with SCV regarding grant reporting and evaluation requirements.
- Support to Child Desk officer in preparation for joint monitoring trip to Tanna to monitor the implementation of the UNICEF funded child protection pilots.

#### **ix) Inhibiting factors**

Inhibiting factors in the implementation of some aspects of the M&E program have been:

- Delay in the finalisation of the MJCS Corporate Plan as the basis for the development of a sector PMF.
- Delay in the progress of the KAP survey preparatory work as a result of the M&E Specialists participation in the design team of the stage 2 police suite of activities. The appropriateness of a national KAP survey given the greater clarity of stage 2 of the program is now being re-considered.
- Delay in the development of a communications strategy and a new MJCS web page with additional information for the public, the sector and the GoV as a result in the failure of applications to the volunteer position intended to work under the supervision of the Monitoring Officer.

### **6. Variation from the Inception Report and Workplan or 2011 Design**

The workplan has been delivered generally in accordance with the 2011 design and plan set out in the Inception Report of May 2012 other than as listed below:

#### **Delay**

There has been delay in delivery of the program in the following aspects:

- a. Costing of the JCSSS (component 1)
- b. Finalisation of the MJCS Corporate Plan (component 1)
- c. Development of a sector PMF (component 3 &1)
- d. Strengthened support for development partner coordination (component 1)
- e. Development of a MJCS coordinated sector-wide communications strategy (component 1)
- f. Baseline for agencies to use in planning (component 1 & 3)
- g. Completion of a 'roadmap' and high level business cases for the incremental progression towards an integrated case and data management system for the sector (component 3)

The delay in the areas of a. b. c. & d. are all interrelated to some extent and heavily dependent on the capacity and drive of the MJCS to progress the JCSSS and other sector wide initiatives. This capacity at present is significantly limited, as there is only one staff member under the Director General with any executive or management capacity. He is overburdened with work ranging from menial tasks, to financial management and administration, oversight of transactional human resource management, engagement with development partners (such as SRBJ and JBE, OHCHR, UNICEF and others) and administrative and other demands from the revolving entourage of ministers and their political staff.

The development of finalised Activity Action Plans for the implementation of the eight sector strategies have progressed at differing speeds dependent on the momentum and capacity of the working groups to meet between plenary sessions and continue to meet with stakeholders.<sup>35</sup> It appears that there has been little progressed over the Christmas and New Year period which can be assessed with greater accuracy during the next engagement with the working groups in April. It is not possible to cost the strategies under the JCSSS until they have sufficient detail. However, it may be appropriate depending on the approach that is agreed, for the support of the working groups, that they be supported and therefore finalised at different speeds with them being costed as they are finalised (as outlined in section 5 above). This would ensure that those working groups who have momentum to maintain progress are not hampered by groups that are progressing at a slower pace.

The finalisation of the MJCS Corporate Plan is to some extent contingent on the nature of support that it is envisaged that the MJCS will provide to each of the working groups over the longer term. It can be de-coupled from the detail of plans under each strategy by incorporating a contingent generic component of support for driving the eight sector strategies under the JCSSS forward within the MJCS Corporate plan. However, there have already been indications and discussions regarding possible efficiencies to be gained from amalgamating or morphing current working groups into already existing groups, task forces or committees with the same thematic interests which would have implications for the degree of MJCS support required for particular groups. For example, it has been suggested that there may be benefits to be gained from the UPR or National Human Rights Committee to take responsibility for the progress of the human rights strategy; the Juvenile Justice Task Force established to steer the implementation of the PJDP supported juvenile justice MOU for the sector might be appropriate to take over carriage of implementation of the juvenile justice strategy.

The approval of a structure to strengthen the corporate service capacity of the MJCS has not progressed beyond a draft structure and development of job descriptions since the commencement of the new Director-General in August 2013. Both the finalisation and approval of an agreed structure for the MJCS and greater clarity regarding the nature of long term support for the sector strategies as well as the pace of progress of planning under the eight strategies have impacted on the capacity to finalise the draft MJCS corporate plan.

This in turn has made it difficult to develop a performance management framework (PMF) which appropriately tracks progress of the MJCS and the sector strategies in addition to some key service delivery outputs of agencies within the sector.

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<sup>35</sup> See section 5, Component 1, Stage 1, Objective 1 above for more detail.



A draft MJCS Corporate Plan has been developed but needs significant refinement to be effective as a guiding document for the MJCS over the life of the JCSSS but this is contingent on several other aspects of the cross sector work achieving sufficient maturity.

Similarly, strengthened development partner coordination by the MJCS (d. above) has also been put as a lower priority at the direction of the Director-General until such time as the eight cross sector strategies are sufficiently defined to explore their funding by development partners. However, the program is proposing that as soon as the MJCS is able to recruit a volunteer to support the development of a webpage for the MJCS to pilot a development partner self-reporting aspect on that webpage. This would allow for example, the PMO's M&E unit to track all program funded projects over the value of 10M vatu at any time.

The Monitoring Officer has been communicating with Volunteers Australia to recruit volunteer support for the webpage design and communications strategy, in that order. The first recruitment round for the webpage designer has been unsuccessful and this work has been delayed somewhat while the monitoring officer focuses on her core functions of monitoring and ad hoc support to the MJCS for example with respect to coordination around the "100 Day Justice Plan" and continuing liaison with youth representatives where required on behalf of the MJCS.

The preparation of the sector wide KAP survey has been delayed to date as reported on previously and currently delayed as a result of the SRBJ M&E Specialists participation in the police design team (se f. above). The KAP survey would potentially build a baseline for the sector. SRBJ are currently revisiting the appropriateness of a national KAP survey for the development of a baseline both for SRBJ stage 2 and the sector. In addition, the work of the CDMA is building a systems, processes and data baseline for the sector.

The CDMA is in the process of developing three short high-level business cases for development partners for police, courts and the "law firms" (PSO, SLO, PPO) and an overall 'roadmap' describing an appropriate process for moving the sector incrementally over time towards an integrated case and data management system based on a computerised, cross agency, streamlined law and justice case management platform.

These deliverables were to have been completed by the end of 2013 but will be provided by end of March 2014 or Easter at the latest and will not have any impact on the otherwise continuing work with the sector to improve its 'readiness' for moving to equivalently functional, reliable, computerised systems.

### **Variation from plan**

Variations from existing plan:

- a. The support that the SRBJ team as a whole has provided to the integrated approach for the next stage of the police program has been an unplanned activity over the last 6 months.

- b. Strengthened collaboration between SRBJ and the PLP program resulting from the Vanuatu based research of the Capacity Development Adviser after a lengthy period of consultation and negotiation between PLP and the CD Adviser, is not proceeding.
- c. Australian Aid will no longer fund the continuation of the Jastis Blong Evriwan program and specifically the Fair Land Dealings Project beyond a planning phase. If not funded from other sources this will have implications for planned areas of collaboration with that program, including; shared support for the national KAP survey and joint support for the capacity development of the MJCS. Australian Aid has reduced its funding to the Land Program, *Mama Graon*, which means that additional demands will be placed on SRBJ from the Malvatumauri and the Customary Land Management Office.

## 7. Planned inputs

The remaining planned inputs between March and June 2014 include:

- Support to the cross sectoral mechanisms driving the development of the 2014 Activity Action Plans under each of the eight sector strategies of the JCSSS
- Support for strengthened coordination of the MJCS for development partners related to implementation of the JCSSS
- Validation and approval of the Sector Capacity Development Strategy (ongoing)
- Prioritisation of capacity development interventions some of which are to be commenced during extension period
- Finalisation and agreement for the approval process for funding of USP course fees under SRBJ.
- Further planning for the implementation of both Stage 2 pilot programs (relating to women and youth)
- Completion of the CDMA deliverables including the sector wide business plans.
- Progressing the Women in Leadership mentoring program
- Piloting a multidimensional approach to institutional CD with the SPD
- Capacity development activities relating to financial management and human resource management.
- Completion of the Police Prosecutor's and Lawyers Handbooks for copying and distribution to stakeholders.

## 8. Budget

Annex M to this report provides the following tables:

- Financial Summary based on the "Schedule 2 – Basis of Payment" from the current Head Contract and taking into account deed of amendment 4.

### Deed of Amendment 4 – Budget changes

DOA4 was signed on 16 December 2013 and extended the existing for six months until 30 June 2014. The extension allows the programs design to be integrated into the police design for the Vanuatu Police Project (to be discussed in section 9). Other significant changes to the contract are:

- Total increase in the existing contract from A\$4,301,005.29 (DOA3) to A\$5,839,111.65 (DOA4).

- Reduction of several line items so that they are in line with actual expenditure over the life of the program.
- Inclusion of two new positions:
  - Legal Adviser, this position was earmarked for additional judicial support to the sector to help clear the backlog of cases and hence facilitate greater service delivery.
  - Police Activities Adviser, this input was developed as a potential resource to assist the program/police program to undertake preparatory work in advance of the joining of the two programs.

#### Budget Tracking

The annexed budget tracking sheet shows the overall expenditure under the program is tracking well, although slightly underspent at present. It is estimated that the total financial expenditure under the program at 30 June 2014 will be A\$5,757,373.6 which anticipates a total underspend from the contract limit of A\$254,553.44.

The table below also illustrates the volume of funding across the components through the life of the program including the activities associated with component expenditure. For the sake of readability the Save the Children Grant (which totals approximately A\$800,000) is not included in the below table.

#### Table 3 – Long Term Adviser Costs

- Currently there are 4 long term advisers on the program. At this stage of the extension no reallocations have been made to the line items of the table. It is estimated that there will be an underspend of \$5,863.00 at the end of this six month extension.

#### Table 4 – Short Term Adviser Costs

- Major activity during the period in relation to short term adviser costs relates to the costs for the Capacity and Leadership Adviser, the Design Specialist and the Case and Data Management Adviser. All other short term adviser positions have been completed. There are positions in the budget for a Legal Adviser and a Police Activities Adviser however these positions are being negotiated through and discussed with DFAT at present and so expenditure remains committed in the pipeline.

#### Table 5 – Other Personnel Costs

- Other personnel costs are tracking well and overall the table is estimated to be A\$4,445.00 underspent by the end of the financial year. This table is showing some estimated overspends in personnel salaries. This is attributed to the reduction in strength of the Australian dollar, these overspends are minor and will be managed in collaboration with DFAT.

#### Table 6 – Adviser Support Costs

- There has been limited activity in Adviser support costs; the majority of the costs are associated with housing and per dia for short term staff. This table is tracking well.

#### Table 7 – Operational Costs

- The operational costs of the program are modest relative to the scale of the program. Average operational expenditure over the last 5 months of the program has been approximately A\$6500 per month. Office rental, telecommunications and consumables costs are low based on the small office space for the *Stretem Rod* hub office. While Program would benefit from a larger space and a meeting room, hiring a meeting room on an ad hoc basis is more cost effective than renting a larger space at this stage.
- Overall the Operational Table is tracking well.

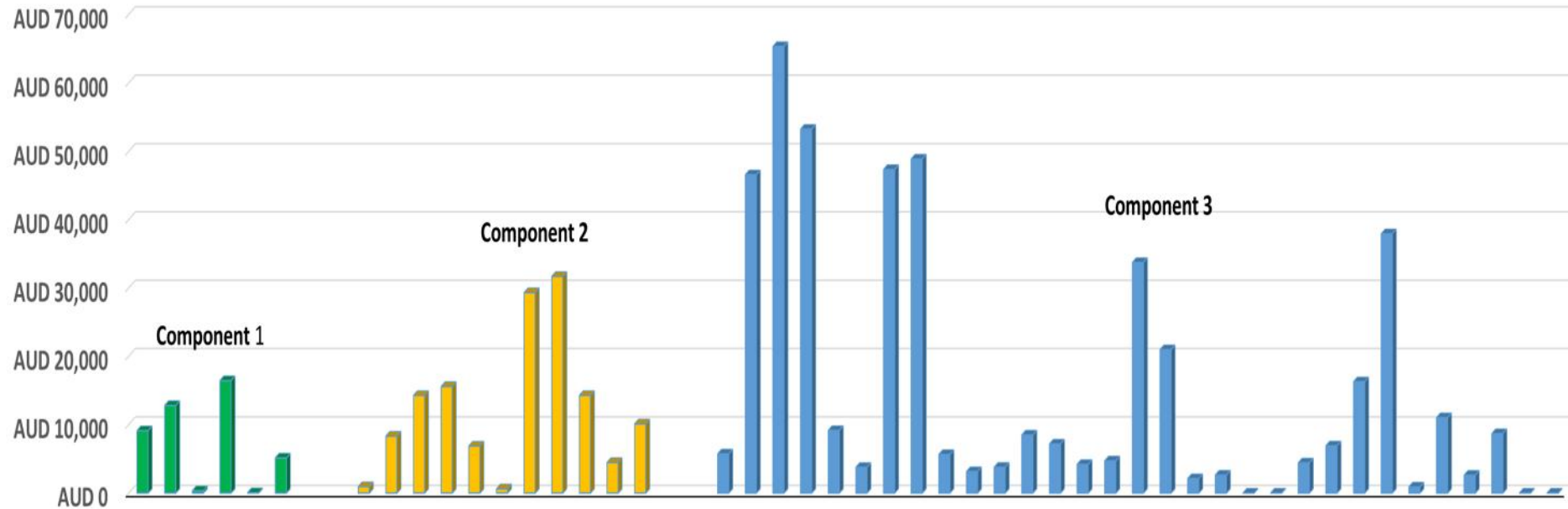
Table 8 – Program Activity Costs

- Component 1 – Key work during the reporting period which has impacted on budget has been the launch of the sector working groups. While this initiative has been a major activity of the program the actual cost of coordination has been relatively modest. The bulk of the cost for this was expenditure related to venue hire (Iririki resort) and associated lunch catering. This component is tracking well and it is anticipated that this component will be approximately A\$4500 underspend at the end of the financial year.
- Component 2 – The three most significant expenditures during the reporting period for the component were:
  - Youth justice forum (A\$22,494);
  - South Pacific Lawyers Conference (A\$10,106.5); and
  - Regional Training Program (A\$4,462.13).

It is estimated that this component will be A\$33,881 at the end of June 2014.

- Component 3 – Key expenditure under this component has been described in the grants section. On top of the granted funding the program also contributes human resource support to the Vanuatu Law Commission at approximately A\$3800.00 per month. It is estimated that this component will be approximately A\$34,000 underspent at the end of the current contract.

Component Expenditure - Vanuatu Law and Justice Partnership Total Payments to Date



## 9. Management & Implementation systems

In recognition of the need for greater efficiency and the leveraging of two Australian funded programs in the law and justice space (formerly AusAID, and now) DFAT has supported a design for a suite of police activities that will integrate more closely with the SRBJ design for stage 2. The consequence of this is that SRBJ has been extended until 30 June 2014 to allow sufficient time to design the suite of police activities and integrate support for police activities into the SRBJ design for stage 2.

The short extension results in a small hiatus in commencement of *some* activities but also provides a valuable period of consolidation, evaluation and reflection in preparation for stage 2 as well as time to seek to 'catch-up' in some areas (predominantly related to component 1) or to learn lessons from the slower progress in that area in terms of how that should best be reflected in the stage 2 design for component 1.

Activities supporting components 1 and 2 continue given the intention in the stage 2 design that those aspects of the program will remain. Some preparation for the refocus of component 3 will commence during the six month extension period in terms of research, consultation and planning but implementation will not commence until stage 2. Grants will continue to be expensed and sector coordination and capacity development efforts will continue.

The program continues to be implemented entirely through program funding and provision of small grants. SRBJ does not currently use any GoV systems for funding but is intending to do so incrementally where possible over Stage 2 based on implementation of AusAID Partner Financial Management Risk Assessment recommendations.

SRBJ harmonises its approach and collaborates with the development partners and programs that operate within the sector on a regular but *ad hoc* basis. This includes bilateral assistance (MFAT NZ Aid Program, VAPP, Mama Graon, Save the Children, Live and Learn), regional assistance (UNWomen, UNICEF, PPDVP, PPP, PJDP, PLP, RRRT and OHCHR) and multilateral assistance (Jastis Blong Evriwan). It is intended, once there is greater clarity regarding the directions that the sector would like to take under its JCSSS to strengthen the support to the MJCS to coordinate with development partners in a way that facilitates strengthened alignment with GoV priorities and also reduces the burden of coordination for the GoV stakeholders.

The SRBJ team is relatively small (nine long and short term positions) which allows for easy and open communication within the team. Members tend to share pertinent and other information with all or other appropriate members of the team as it comes to hand. More formally the team meets on a monthly basis to coordinate and communicate. The monthly meetings are focused either on a specific issue that requires a team approach (for example M&E issues, implementation strategies for the JCSSS, CD approaches, team responses to documents such as the police design aide memoire) or have an agenda of current items that are raised by team members. The meetings are frank and open and the expatriate team members benefit significantly from the contextual advice provided by the ni-Vanuatu team members. Issues, concerns, problems and risks are raised at those meetings for discussion and resolution. At team meetings, for example, issues regarding: process for work ahead; an agreed approach to capacity development; theories of change; leadership in Vanuatu and how it is in evidence have been robustly discussed.

There has been no further recruitment since the August report with the exception of a short term consultant to conduct research and the evaluation of the SCV work. As with all recruitment to date, this recruitment was conducted jointly with DFAT, SCV and SRBJ. Whilst this has been time consuming; the benefits of the ownership and support for the position have made the approach valuable and appropriate.

During the reporting period (September 2013 – February 2014) there have been a number of significant, unplanned burdens placed on program management time, in particular, as well as the time of other team members. These include:

- a. The time of the Contracts Manager, M&E Specialist and Partnership Coordinator in providing closer supervision and guidance to the implementation of the SCV grant for its Child Protection Program. From August 2013 to end of 2014 there were increased management meetings (1-2 hour meetings, fortnightly for a three month period); communication at various levels; written feedback required on all deliverables; and guidance provided for monitoring approaches and other aspects of the program. This level of management was not anticipated for an international NGO with self-claimed knowledge and expertise in child protection programming.
- b. The participation of the M&E Specialist as a member of the design team for the police sub-design for stage 2 as well as the time given by all team members and program management for consultations with the design team (and likely time required in the future to work on integrating new outputs into the draft SRBJ design).
- c. Significant time lost by the SRBJ management team as a result of a domestic violence incident relating to a staff member and threats to the program which resulted in many lost person-hours to program management (escorting the victim to accommodation, hospital, doctor's appointments, magistrates' court, police station et alia, victim requiring extended time from work, reporting to Australian Aid and time needed to consider additional security measures on an *ad hoc* basis).

These unplanned burdens on the time of the management team, will not have significantly hampered the mid- to long-term efficiency and effectiveness of delivery of program outputs, particularly those for which the program is primarily responsible. However, all additional burdens on management time outlined above do remove from SRBJ time available for planning and strategising the achievement of outputs that are posing challenges and therefore diminishes opportunities to consider and consult on possible approaches for resolving bottlenecks. One such example is not being able to spend sufficient time with the CD Adviser when she was last in-country in February, to develop an approach together for the future support for the implementation of the eight strategies under the JCSSS. Had that been done in February it might then have been used in the interim before her return in March as the basis for a dialogue with key stakeholders (such as the Task Force and facilitators) about the best way to continue to provide support in anticipation of the next intervention. Both the consultation and the intervention will now occur in March.

## 10. Risk Management

The Risk Management Table below is intended to provide a stand-alone review of the significant risks to the program as a whole (rather than specific risks to specific activities under the program). The *newly identified* risk is marked with an arrow.

The risks detailed in section 10 of the previous progress reports of November 2011 and August 2012 remain the same and will not be repeated here, however there are two current emergent risks that have come into sharper focus during the reporting period that are explored below:

### **MJCS Capacity and the future of the "hub"**

The current capacity of the MJCS to provide a corporate services to the Ministry, to Departments under its direction, agencies within its purview or guidance or coordination to external service providers of the sector is extremely constrained. Under the Director General there is only one officer with executive or managerial function or capacity. In addition to him, there is a junior clerk who currently takes telephone inquiries, a transactional human resources officer and an unqualified finance officer. The Director General is currently recruiting an Executive Assistant (EA). It is a credit to the staff at MJCS that they are able to achieve the outputs that they do.

During the reporting period the resources at the disposal of the MJCS have been reduced; the MJCS no longer has a driver and no longer has a vehicle dedicated to corporate services as was the case previously. Additionally the receptionist is currently on maternity leave. These changes have reduced the capacity of the MJCS to manage its own logistic requirements and reduced its efficiency.

As a result of limited human resources, the Executive Officer is tasked with numerous matters from the most menial (such as deliveries), to human resource management, financial transactions and oversight as well as development partner liaison and coordination.

A draft structure (known internally as the “hub”) designed to deliver a strengthened corporate services capacity to the MJCS, thus allowing it to provide a much more proactive service to the sector, was drafted over six months ago. Terms of reference for the new positions have apparently been completed (unseen) but there has otherwise been no progress in obtaining PSC approval. There appears to be some ambivalence towards its active promotion by management. SRBJ understands that the MJCS has the intention to seek COM approval for the structure at the next COM meeting.

Under the current circumstances, without an “all hands on deck” approach by the SRBJ team to supporting the progress of the working groups this work would not be possible and certainly could not even be supported administratively by the MJCS.

The Stage 2 SRBJ design envisages significant human resource support to the MJCS (3-4 high level in-line positions intended for ultimate absorption by the GoV) however, this approach may need to be revisited in the design in the absence of more significant evidence of an intention to strengthen (rather than weaken) the corporate services capacity of the MJCS. The only indication of this to date is the recruitment of an EA for the Director General. The TOR for the position will determine to what extent this provides personal administrative support to the Director General and support to the capacity of the MJCS.

The lack of progress by MJCS and GoV to strengthen the MJCS might signal the necessity to consider staggering SRBJ support to the MJCS; adding some conditionality to provision of positions; and or reducing the funding intended for component 1 support to the MJCS in favour of increased funding to components 2 and 3.

Anecdotally, financial management within the MJCS has also become significantly less robust during the reporting period.

### **Leadership**

Political leadership remains fluid (the third Minister of Justice and Community Services has been appointed since the last report in August 2013). Bureaucratic leadership of the sector is currently inconsistent in its engagement and appears to spend a disproportionate amount of time servicing



the Minister and his political staff as compared with the heads of the agencies. There is a tendency to seek to bring these two groups together in a way that causes apparent discomfort for some key leaders and stakeholders within this sector resulting in some noticeable disengagement.

## Risk Management Plan – August 2013

The following Risk Management Plan synthesises the *significant* current foreseeable risks to the effective implementation of SRBJ

L = Likelihood (5 = almost certain, 4 = likely, 3 = possible, 2 = unlikely, 1 = rare);  
 C = Consequences (5 = severe, 4 = major, 3 = moderate, 2 = minor, 1 = negligible);  
 R = Risk Level (5 = extreme, 4 = very high, 3 = high, 2 = medium, 1 = low)

Identified Risk	Impact on Partnership	L	C	R	Risk Mitigation Strategy	Responsibility
Reduced capacity of the MJCS	<ul style="list-style-type: none"> <li>Capacity for MJCS to strengthen coordination and collaboration across the sector is reduced.</li> <li>Capacity to support the JCSSS is minimal</li> <li>Ability to pro-actively service the sector is negligible</li> <li>Makes high level support for the MJCS vulnerable and unsustainable.</li> </ul>	4	3.5	3	<ul style="list-style-type: none"> <li>Monitor</li> <li>Strengthen support for the cross sector mechanism (HOAG, TF, WGs to spread the risk and increase additional sponsorship for program interventions).</li> <li>Consider changes to the approach to support for MJCS anticipated in stage 2 (such as incremental support, conditionality, redirection of funding or a mixture of all three)</li> </ul>	MJCS/SRBJ
Political fluidity and political intervention with bureaucratic leadership/programs	<ul style="list-style-type: none"> <li>Inconsistent levels of engagement with program</li> <li>Inconsistent direction for SRBJ</li> <li>Interruption to progress of initiatives</li> <li>Reluctance of sector to engage with MJCS</li> <li>Counterproductive to collaboration using MJCS as the vehicle</li> </ul>	4	4	3	<ul style="list-style-type: none"> <li>Capacity for flexibility within programming</li> <li>Support strengthening of the cross sector mechanisms to lead progress across the sector (Task Force, HOAG etc.)</li> <li>Ensuring some aspects of SRBJ do not rely on too heavily on political endorsement, support. activity</li> </ul>	SRBJ/MJCS
Weak leadership in sector and some agencies	<ul style="list-style-type: none"> <li>Lower level of engagement of some leaders with the program</li> <li>Reduces capacity to drive/sustain motivation for change</li> <li>Inconsistent progress across the sector (can impact on justice outcomes)</li> <li>Inconsistent impact of program inputs across sector</li> </ul>	5	3	3	<ul style="list-style-type: none"> <li>Engage with relevant senior staff in addition to leader.</li> <li>Involve relevant agencies in all cross sector initiatives where possible.</li> <li>Provide contextualised and appropriate leadership support to current leaders and upcoming leaders.</li> <li>Ensure benefits available for agencies when there is engagement with the SRBJ (e.g. access to grants facility, access to capacity development opportunities, access to technical assistance)</li> </ul>	SRBJ
Lack of motivation for planning, implementation and monitoring of cross sector work in environment of declining recurrent revenue and lack of continued momentum if JCSSS strategy action plans are unfunded	<ul style="list-style-type: none"> <li>Static/declining GoV budget reduces motivation to plan /engage over and above 'business as usual' absent SRBJ (i.e. impacts on long term sustainability post SRBJ)</li> </ul>	4	3	2	<ul style="list-style-type: none"> <li>Maximise and celebrate inherent benefits of improved planning and management of progress (absent donor funding).</li> <li>Demonstrate the 'no cost' benefits of improved planning</li> <li>Ensure some benefits from improved planning through SRBJ and where possible other donors/programs</li> <li>Publicise service delivery improvements resulting from better planning more broadly</li> </ul>	GoV
Lack of ability to move from	<ul style="list-style-type: none"> <li>Inability to move plans and policies into action,</li> </ul>	4	3	3	<ul style="list-style-type: none"> <li>Closer analysis into the motivating and de-motivational factors</li> </ul>	SRBJ/PLP

planning to implementation	<ul style="list-style-type: none"> <li>by leaders and agencies</li> <li>Lack of progress on key areas of implementation that are the responsibility of GoV</li> </ul>				<ul style="list-style-type: none"> <li>for developmental leaders in context.</li> <li>Evidence regarding real barriers to progress</li> </ul>	
Sustainability of program outcomes	<ul style="list-style-type: none"> <li>Lack of sustained SRBJ outcomes over time</li> <li>Outcomes of program are quickly dissipated over time</li> </ul>	4	4	3	<ul style="list-style-type: none"> <li>Pace, extent, intensity of program implementation and engagement is in proportion with the counterparts absorptive and other capacity.</li> <li>Support is not over resources (e.g. support to cross sector mechanisms)</li> <li>Mechanisms for progress are not donor driven</li> <li>Projects under SRBJ are appropriately hosted by or partnered with active stakeholders or efforts are being made to ensure an appropriate host prior to end of SRBJ (e.g. LSIP)</li> </ul>	SRBJ. GoV
MJCS unable to maintain coordination & collaboration across sector	<ul style="list-style-type: none"> <li>Impacts negatively on aspects of the administration of justice (circuit tours, court efficiency etc.)</li> <li>Impacts on joint budget preparations; monitoring across the sector; communication within the sector; communication with the community</li> </ul>	3	3	3	<ul style="list-style-type: none"> <li>Ensure early benefits for most/all participants in the cross sector work</li> <li>Increase PR related to the cross sector work (including demonstrable benefits)</li> </ul>	SRBJ/MJCS
Inability to retain lawyers within the public offices	<ul style="list-style-type: none"> <li>Weakens capacity of agency with respect to service delivery (vacancies, more junior lawyers)</li> <li>Impacts on capacity to embed improvements for current staff</li> <li>Impacts on institutional corporate memory</li> <li>Impacts on professional mentoring relationships</li> </ul>	4	4	4	<ul style="list-style-type: none"> <li>Improvement in public lawyers salary structures across sector (pending)</li> <li>Support development of appropriate career path planning for lawyers</li> <li>Provision of Capacity Development opportunities to public lawyers.</li> <li>Support for mentoring relationships</li> </ul>	MJCS
Inability to strengthen SPD's financial and operational independence	<ul style="list-style-type: none"> <li>Inability to plan its own budget expenditure (reliance on VPF &amp; PPO)</li> <li>No control over staff so experienced staff can be moved to general duties without notice.</li> <li>Impacts on maintenance of capacity of institution</li> </ul>	5	3	2	<ul style="list-style-type: none"> <li>Advocate for MJCS support for separate budget for SPD</li> <li>Advocate for some control/tenure for prosecutorial staff</li> </ul>	
Fraud with respect to donor funds	<ul style="list-style-type: none"> <li>Threatens continuation of activity or program</li> </ul>	3	4	3	<ul style="list-style-type: none"> <li>Strengthened PR regarding the grants facility</li> <li>Strengthen awareness with fund recipients of requirements and expectations</li> <li>Support for strengthened capacity for financial management and budget acquittal</li> <li>Greater oversight though some risk still exists with respect to</li> </ul>	

					provincial activities where an allocation of cash to expenses is required.	
Inability to ensure significant benefit to beneficiaries outside of Port Vila	<ul style="list-style-type: none"> <li>Constant natural drift to centre, to power, to formal, to government which needs to be recognised and countered.</li> </ul>	3	4	3	<ul style="list-style-type: none"> <li>Strengthened focus stage 2 on provincial work (pilots, capacity development, infrastructure, access)</li> <li>Necessity to silo earmarked support for provinces</li> <li>Necessity to ensure broader availability of CD opportunities.</li> </ul>	
	<ul style="list-style-type: none"> <li></li> </ul>				<ul style="list-style-type: none"> <li></li> </ul>	

## 11. Sustainability

This section is intended to provide a snapshot of some of the approaches that are being taken to strengthen the sustainability of the interventions of SRBJ and has not been significantly amended since the previous report (unlike all other sections).

### Under **Component 1:**

1. SRBJ is supporting the capacity of the MJCS to provide corporate services to its sector and a 'hub' of support for the cross sector work; both by building the capacity of current incumbents, but also it is proposed by temporary funding for MJCS staff. Collocation of program staff with MJCS staff supports sharing of ideas, collaboration and capacity development.
2. MJCS coordination with development partners is and will continue to be supported by SRBJ in a way that will reduce the burden of the stakeholders (including exploration of program self-reporting arrangements).
3. SRBJ is cognisant of the danger of over-resourcing cross sector coordination beyond the means of counterparts (PNG law and justice sector) and of driving collaboration beyond the capacity or desire of the counterparts.
4. MJCS and SRBJ are jointly supporting approaches that seek to strengthen the cross sector mechanisms' resilience for progress from political instability of the Ministers and senior bureaucrats.<sup>36</sup>
5. Institutional knowledge of SRBJ is currently documented and shared with counterparts as widely as possible. Once the Monitoring Officer (with the proposed support of an Australian volunteer) has developed the MJCS Communications strategy and commenced development of the MJCS database; SRBJ documents can be made available to the MJCS for its database.
6. The planning processes with agencies have been implemented in such a way that the agencies have all the tools to replicate the approach. That is, there was as much attention placed on the process for the development of the plans as the plans themselves to ensure that the process was understood and could be repeated. The consequence of this may be that the final product may not be as polished as is possible but the advantage is that it is more likely to be an owned and understood process.
7. The agency-level and sector wide plans provide the foundation for SRBJ and other support to the sector.

### Under **Component 2:**

1. The process for capacity assessment (individual and institutional) has been designed so that it can be replicated by counterparts at an appropriate time in the future. A staff member within the Corrections Service has requested that he replicate the institutional and individual capacity assessments that were conducted with staff in Port Vila in Luganville as well as with two other additional offices (i.e. not Corrections).
2. The sector wide capacity development plan is intended to be used by the sector to guide its approach regardless of the presence of SRBJ as it will be built on the assessments conducted over Stage 1.

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<sup>36</sup> Including the continuation of the Task Force as appointed by the HOAG as a mechanism for continuing the reform agenda of the Sector.

3. The sector capacity development strategy provides the evidence based roadmap for prioritised CD within the sector regardless of the presence of SRBJ as many of the pathways can and will be implemented by a variety of other service providers.

Under **Component 3**:

1. Significant time has been invested in increasing the understanding of the sector of the value of monitoring and evaluation, both at agency and sector level.
2. MJCS is supported by the provision of a Monitoring Officer whose position is intended to continue beyond the life of SRBJ.
3. Support is provided to the MJCS (M&E Focal Point and Monitoring Officer) to strengthen its capacity to comply with the PMO's M&E Units planning and reporting requirements.
4. Support to the VLC is within the Gov's agreed structure and has maintained the institution at a sustainable size.
5. Preparation for the thematic work in component 3 is well researched, contextualised, iterative and mindful.