

Evaluation of the Vanuatu Correctional Services Project 2006-2009

The report was commissioned by the three partner organisations and completed in May 2010

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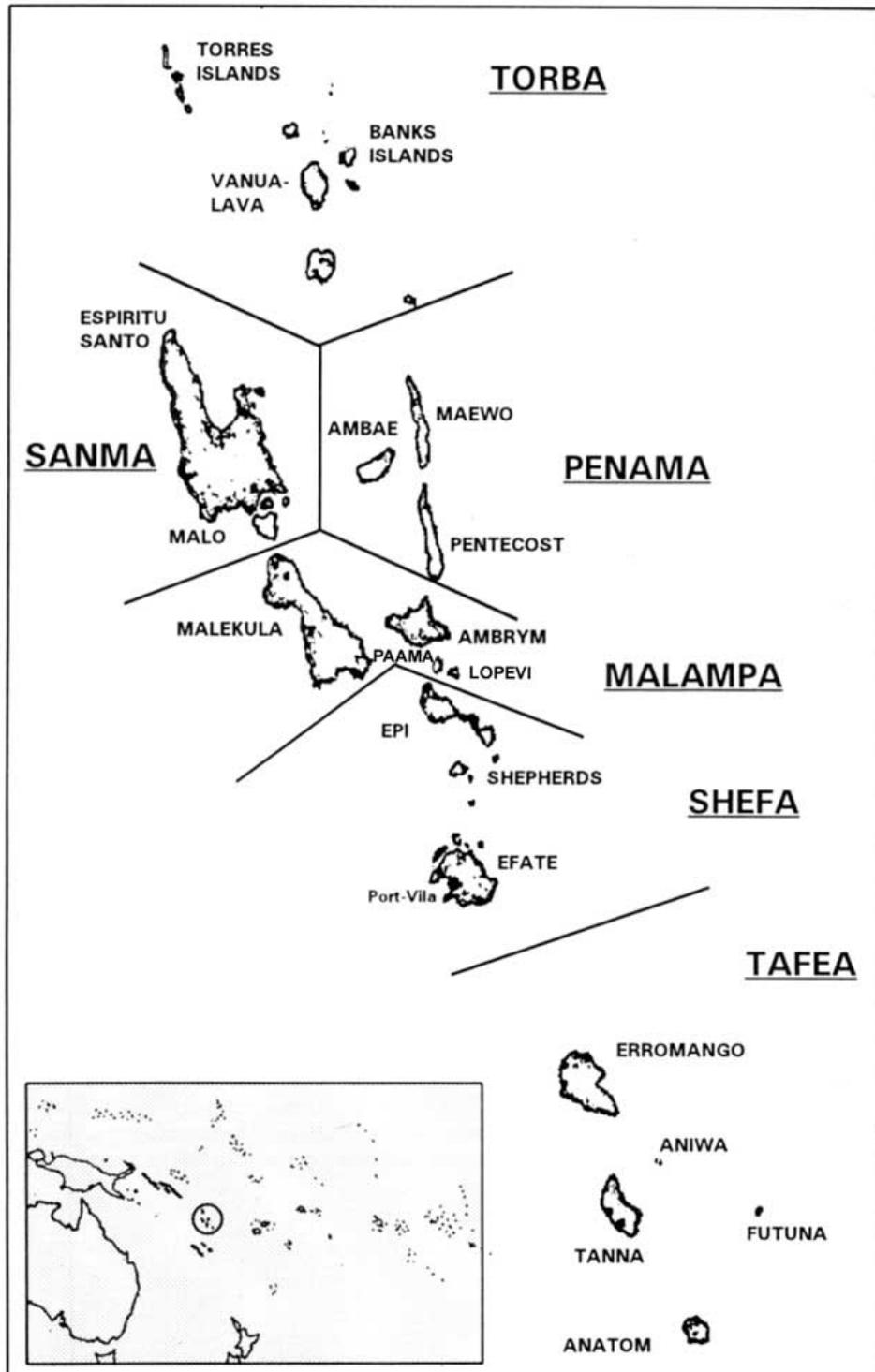
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Figure 1: Vanuatu Map

MAP OF VANUATU



ABBREVIATIONS

AFP	Australian Federal Police
<i>DBKS</i>	<i>Dipatmen Blong Koreksonal Sevis</i>
MFAT	New Zealand Ministry of Foreign Affairs and Trade
MFAT (Development)	MFAT Group administering the NZAID Programme (previously called NZAID)
NZAID	Previously name for the entity (New Zealand Agency for International Development) administering ODA
GoNZ	Government of New Zealand
VanGov	Government of Vanuatu
VCSP	Vanuatu Correctional Services Project
VMF	Vanuatu Mobile Force
VPF	Vanuatu Police Force

TRANSLATION

<i>Dipatmen blong Koreksonal Sevis</i>	Vanuatu Department of Correctional Services
<i>Dipatmen</i>	Vanuatu Department of Correctional Services
<i>Probesen</i>	Probation
<i>Kastom</i>	Customary beliefs and traditions
<i>Rispek</i>	Respect

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EXECUTIVE SUMMARY

1. The Evaluation of the Vanuatu Correctional Services Project was commissioned by the three key partners involved in the Project: the Government of Vanuatu (VanGov), the New Zealand Ministry of Foreign Affairs and Trade (MFAT) (NZ Aid Programme), and the Department of Corrections (NZ). The purpose of the study was to determine the extent to which achievement reached expectations, and to inform future implementation to maximise development outcomes. The objectives identified for the Evaluation were:
 - i. To establish the relevance of the Project to achieving effective development results in good governance and public sector reform in Vanuatu.
 - ii. To determine the effectiveness of the VCSP, including in strengthening *Dipatmen Blong Koreksonal Sevis (DBKS)* institutional capacity.
 - iii. To determine the ability of *DBKS* to continue operating effectively to sustain reforms after NZ support ends.
 - iv. To establish value for money.
2. A representative from each partner was assigned to the Team. These were Andrew Kibblewhite (MFAT), Collin Tavi (Office of the Prime Minister, Vanuatu), and Grenville Bell (Department of Corrections (NZ)).

Methodology

3. The framework for the Evaluation included developing a program logic from documentation and in consultation with key stakeholders in Vanuatu and New Zealand to identify the expected outcomes of the time period of the Project. This framework was used as the basis for assessing relevance, effectiveness, sustainability and efficiency. The assessment of relevance also included comparing the Project design with key policy documents and good practice guidance. The assessment of efficiency also compared potential cost savings given the level of expected outcome.
4. Data collection included a document review, interviews, surveys, and direct observation. The two random surveys were undertaken: one of detainees in correctional centres to identify conditions and management of the centres (30 surveys) and one of offenders undertaken community-based sentencing to identify the extent to which this approach was being fully implemented, to gauge to what the sentences were being carried out, and if the offenders are being supported by staff and the communities. Observation checklists were also used for assessing conditions in the correctional centres. Interviews (semi-structured) were also conducted with a wide-range of stakeholders including *DBKS* staff, Parole Board Members, Community Justice Supervisors, ministry's staff, members of the judiciary, *Malvatumauri*, stakeholders involved

in the sector, technical advisors, MFAT (Post and Wellington-based) staff, Department of Corrections (NZ) staff, business representatives, women's groups and representatives, and Civil Society Organisations. Fieldwork in Vanuatu was undertaken from 16 November–4 December 2009.

Findings

5. The Project was found to be closely aligned to the priorities of the VanGov and the NZAID Vanuatu Country Strategy. The MFAT governance objective (objective two)¹ can be seen as contributing to VanGov priority one aimed at improving the governance of a key aspect of the law and justice sector; fostering greater co-ordination in the sector; better policy and management of the associated services; and increasing accountability within the sector. The Project can be seen as aligned to make a direct and significant contribution to the corrections part of the sector and supporting initiative across the broader sector. The Project is also found to be aligned to contribution to conflict prevention and peace building.
6. Mutual accountability under the Project has not been strong during the first five years of the project, but has improved to some extent with the publishing of more result-focused information in the *DBKS* 2009 Annual Report. The weakness in mutual accountability reporting is likely to have made the *Dipatmen* more vulnerable to public criticism than would have been the case with stronger reporting. This would have required a clearer focus and better reporting of result-focused information capable of providing a clear and accurate picture of progress under the Project and the *Dipatmen*.
7. Capacity development was found to have been constrained by a number of factors including ni-Vanuatu staff issues, and a lack of clear capacity development outcomes being articulated in the Project design and progress towards these outcomes being monitored. An implementation decision to prioritise capacity development of community-based sentencing over the security in the correctional centres negatively impacted on the reputation of the project and lead to a major set-back with the involvement of the Vanuatu Mobile Force. This has meant that more work than anticipated was undertaken as in-line work and has not contributed to the individual capacity development of staff to the degree expected.
8. Varying result about the extent of ni-Vanuatu ownership of the Project was found. Lower ownership at the public and political levels was evident, with stronger ownership at the sector and organisational level. These was strong ownership of ni-Vanuatu people involved in the community-based sentencing, but noticeably less by staff in the correctional centres.
9. Progress in achieving the Project's outcomes and the sustainability of the outcomes varied across the three components of the Project (community-based sentencing, correctional centres, and corporate services). Community-based sentencing has developed effective systems and products that are valued by

¹ Objective two: to build demand for and improve governance, accountability and community safety.

Parole Boards and the judiciary, and this has led a significant use of community-based sentences and reliance on the *probesen* reporting by the judiciary. Offenders are completing their sentencing requirements and are valuing the guidance being provided to them by Community Justice Supervisors and other community members. Offenders value the skill and education opportunities being facilitated *Probesen* staff, and there appears to be a low rate of reoffending.

10. Non-acquisition by the VanGov of land for the new Port Vila before 2009 has meant that the new facility has not been completed on time and will be delayed by about two and a half years. While establishing temporary correctional centres and maintain work on these facilities allowed good progress to improve the conditions in the centres, the expected progress in security was not achieved during the first two-three years of the Project. This contributed to VMF involvement in the centres in 2008, and a retraction of earlier progress. Since the VMF have left the correctional centres in August 2009, a lot of work has been undertaken to improve security and management of the facilities, but these systems are not yet well-embedded and there's a low-level of staff commitment. This means that the centres are still not as secure as expected by stakeholders, and sustainability of the achieved outcomes is not strong.
11. The Evaluation found that the Project to date has provided value for money in supporting community-based sentencing, but less so for outcomes in the correctional centres. Overall, value for money is assessed as medium.

Recommendations

12. Overall Project Level

- i. That MFAT (Development) be vigilant in monitoring the Partnership Agreement to ensure that key *DBKS* leadership and manager positions are filled with permanent and able ni-Vanuatu staff. This will help to ensure that technical advisors are able to focus on developing counter-parts' individual capacity.
- ii. That MFAT Post continues its active support of the Correctional Taskforce.
- iii. That MFAT (Development) encourage VanGov funding in 2010 of the new *DBKS* structure proposed in 2009.
- iv. That advisors continue to support *DBKS*'s communications work to build public understanding of the corrections approach and progress as it occurs.
- v. That *DBKS* and advisors work in partnership to revise monitoring and evaluation framework for *DBKS* to enhance the degree to which it is result-based and to clearly articulate the capacity development results required for the organisation and from the advisors work.

- vi. That *DBKS* and advisors give priority to using the result-based monitoring and evaluation framework to enhance *DBKS* mutual accountability reporting. The VCSP should utilise this reporting system for its own reporting as much as possible in the future. Where the system does not provide important outcome information, separate VCSP result-based reporting should occur.
- vii. That MFAT (Development) and advisors promote the establishment of formal operational co-ordinating committee for the sector that reports to the Director-General's sector committee.
- viii. That MFAT (Development) support technical advisors to focus as much of their roles as possible on mentoring ni-Vanuatu *DBKS* staff so both individual and organisational capacity are increasingly developed and sustained.
- ix. That MFAT (Development), in consultation with partners, consider extending the Project period for three years to ensure that development outcomes are achieved and sustained.

13. Community-based sentencing

- x. That MFAT (Development) reduce probation advisors personnel to one position and centralised in Port Vila, with provincial visiting requirements. After 12-months, the advisor role be reviewed with a view a further reduction to 0.5 and then 0.25 of a position over one and two years, before full withdrawal at the end of 2012.
- xi. That *DBKS* (supported by advisors) review community-based sentencing procedures to ensure that sex offenders are not released into residential circumstances where they are alone with victims or other vulnerable persons.
- xii. That advisors work with *Probesen* Officers to ensure that parole reports reflect the role and likely contribution of programmes and activities to offender rehabilitation.

14. Corporate service

- xiii. That *DBKS* and technical advisors undertake further work to develop the Detainee Information Management System to ensure that it adequately supports result-based performance reporting and provides robust information for evidence-based policy making.

15. Correctional Centres

- xiv. That *DBKS* and advisors work in partnership to review (using a participatory approach to develop staff ownership and commitment) the processes and procedures being implemented in correctional centres to ensure they appropriate and implementable.

- xv. That technical advisors consider focusing their work with Correctional staff on the critical few processes and procedures in Centres to ensure they are well-embedded with strong ownership and commitment. As a priority, this should include processes and procedures designed to mitigate violent behaviour by officers (note: low-level but a risk of escalating).
- xvi. That technical advisors ensure that future training in correctional centres is led by ni-Vanuatu Officers to ensure that future training capacity is being developed (including the development of materials).
- xvii. That technical advisors promote policy in *DBKS* that ensures activities (or programmes) targeting detainees' skill development provide for on-going skill and education development opportunities.
- xviii. That *DBKS* consider increasing the time low-risk and remanded detainees have outside the immediate cell unit to emphasis the benefits of good behaviour and to reduce building detainee frustration.
- xix. That *DBKS* (with the support of advisors) prioritise further development of the complaints process in Correctional Centre to ensure that both detainees and staff see it as credible.
- xx. That technical advisors raise the priority of developing and implementing rehabilitation programme/s based on key and prioritised needs.
- xxi. That technical advisors encourage a system to be introduced whereby detainees are paid (small - minimal but sufficient) for revenue generating and cost reduction activities using detainee labour.
- xxii. That *DBKS* (supported by advisors) encourage the Republic of Vanuatu Office of the Ombudsman to clearly position itself as the external complaint resolution body for the correctional centres and as the primary external agent assessing correctional centres conditions.
- xxiii. That the technical advisors promote the establishment of semi-independent role within the *DBKS's* Corporate Office to investigate and resolve escalated complaints.
- xxiv. That both *DBKS* and MFAT (Development) be active in monitoring the key milestones for the construction of the new Port Vila Correctional Centre and actively ensure that any barriers or obstacles to achieving delivery timelines are addressed through partnership. *DBKS* should report quarterly to both the Correctional Taskforce and the Director-General on progress against these time-bound milestones.
- xxv. That *DBKS* and Vanuatu Mobile Force (and/or VNP) co-sign a memorandum of understanding that clearly outlines their required code of conduct and lines of accountability should a Ministerial decision be made to appoint Vanuatu Mobile Force staff as temporary correctional officers again. This could include a requirement that individual Vanuatu Mobile

Force staff individually sign a contract re-enforcing these responsibilities prior to becoming sworn correctional officers. MFAT (Development) should actively encourage this recommendation.

INTRODUCTION AND BACKGROUND

16. Vanuatu culture has emerged through migratory, tribal and chiefly systems where inter-tribal conflict was prevalent, especially in areas with growing populations and limited land. Vanuatu society developed strong inter- and intra-tribal mechanisms for managing and resolving conflict. In part, referred to as *kastom*, these practices involve aspects of restorative justice that vary from village to village, tribe and tribe, and from island group to island group. Under *kastom*, responsibility is taken by both/all parties for events leading to conflict, and resolution involves gestures of reciprocity. Often, tribal alliances (sealed through exchange) are used to prevent or resolve conflict. Acts of reciprocity could include women for marriage or men to be sacrificed, or the symbolic swapping of mats. Many of the same methods to resolve conflict remain in today's *kastom* practices, with acts of violence being infrequent.
17. Under *kastom* practices, the tribe's chief makes the decision or negotiates a resolution with another chief. While other tribal or village members would be consulted, the chief was the decision-maker and enforcer of the decision. The chief's judgements and decisions were respected and abided by. This situation has largely remained today despite increased urbanisation and youth being exposed (largely through the media) to systems with less hierarchical systems and greater freedom (e.g. 'Western' democracies).
18. Colonisation by France and Britain brought a degree of change to the traditional *kastom* system (or systems). Missionaries promoted non-violent methods of inter- and intra-tribal resolution and these became more commonly used throughout the Vanuatu islands. Violent tribal retaliation was commonly replaced by reciprocity that typically did not involve exchange of women for marriage and men for sacrifice. This included the settling of long-running tribal conflicts where the chiefs sometimes tallied the harm of both sides and balanced the ledger for a final exchange.
19. Each colonial power introduced their own legal, judicial and prison systems. These operated at the same time but completely separately from *kastom* and from each other. As such, in addition to *kastom*, separate laws, judiciary and prisons operated in all administrative regions.
20. After independence, a constitution was formed, ni-Vanuatu laws formed, and the judiciary and prisons brought under one national system. Funding for the regional administrative facilities was limited and these prisons became largely derelict. In Port Vila both the ex-French (Stade Correctional Centre) and the ex-British prison (Port Vila Correctional Centre, but commonly known as the Ex-British prison) are used due to the number of detainees from Efate and other administrative provinces.
21. In 1998 public concern in Vanuatu arose about the conditions in Vanuatu's prisons and the treatment of detainees. The then Minister of Justice visited the facilities and wrote an open letter to the newspaper expressing concern about

the facilities and calling for immediate action and asking donors to assist the Government of Vanuatu to improve the conditions.

22. Civil unrest broke out in Vanuatu in 1998 after an Ombudsman report claimed a significant degree of Government corruption. As a result of street riots in Port Vila, some 500 civilians were arrested by the Police and detained either in Police cells or Port Vila's Police run Prisons. Accusation of mistreatment and inhumane conditions encouraged the Ombudsman, Minister of Justice and ultimately an Amnesty International investigation. Amnesty International declared the Prisons to be inhumane and treatment of detainees brutal and violent. Little change or progress to the prison system is notable between 1999 and 2003. According a feasibility study funded by NZAID in 2003 (NZAID, 2003), prison conditions remained fundamental, with conditions being inhuman and unsafe, and the prisons unsecure. The public view appears to have been that the prisons were run by the prisoners themselves with limited Police overview. This included prisoners manning the gates themselves and regularly 'taking leave' to return home and regular shopping trips.
23. In 2005 agreement was reached with the Government of Vanuatu and the MFAT (Development)² to reform the prison system. The agreed priorities for reforming the prison system were to develop a separate department responsible for running the prison facilities and a probation and community-sentencing service, civilianise the prisons, improve the humanity and safety of detainment, and to introduce and embed a 'correctional' philosophy. The Project was set out in three phases, with the first phase involving the establishment of a stand-alone department (*Dipatmen Blong Koreksonal Sevis*); the second phase the taking over and effective management of the Correctional Centre, and the establishment and effective management of a community-based sentencing system; and the third phase the further development of an effective system.
24. While there were some delays in the passing of legislation to establish the *Dipatmen* under phase I which affected the lead times on subsequent activities and deliverables, phase I progressed, and the *Dipatmen* came into service on 1 January 2006. This included Vanuatu National Police handing over the management of the Correctional Centres as arranged.
25. While in the past Vanuatu political life has been characterised by short-term governments i.e. 17 changes in 16 years, there has been stable government during phase II of the Project. Despite this, it appears (key stakeholder interviews) that ministerial priorities and interest in the *DBKS* fluctuated making increasing Government of Vanuatu funding for the *Dipatmen* harder to secure during phase II of the Project.

² The entity managing the New Zealand Overseas Development Assistance was re-integrated into MFAT in 2009, meaning the name changed from NZAID to MFAT. For the purposes of this report the phrase MFAT (Development) is used to distinguish staff from the MFAT foreign policy division staff, and NZAID Programme is used to denote ODA funding.

The Evaluation

26. This evaluation was commissioned by the three joint partners of the Vanuatu Correctional Services Project (VCSP) in October 2009. The purpose of the evaluation was identified as assessing progress towards achieving the Project's goal and objectives. This was seen as particularly timely as the Project transition to a greater focus on construction and commissioning of the Port Vila Correctional Centre. The evaluation was intended to build on the two reviews completed by Byers and Vurobaravu (2008) and Field, Metmetsan, and Cowan (2009).
27. The objectives identified for the Evaluation were:
- i. To establish the relevance of the Project to achieving effective development results in good governance and public sector reform in Vanuatu.
 - ii. To determine the effectiveness of the VCSP, including in strengthening *DBKS* institutional capacity.
 - iii. To determine the ability of *DBKS* to continue operating effectively to sustain reforms after NZ support ends.
 - iv. To establish value for money.

Methodology

28. The methodology for this evaluation was initially developed in consultation with key stakeholders either prior or at the start of the fieldwork. The intended methodology is detailed in the attached Evaluation Plan³ (see p.81). The Plan was implemented as intended with the exception of the data collection from community leaders and community justice supervisors about the performance of community-based sentencing work. It had been intended to interview 10 of these participants; however, time constraints meant that priority was given to other data collection with only four interviews being successfully completed. An overview of the methodology is provided in the rest of this section, with further detail available in Appendix Five: Detailed Methodology (p.110).⁴

Overall Approach

29. The evaluation covered four of the five Development Assistance Committee evaluation criteria of effectiveness, efficiency, relevance and sustainability (see the NZAID Evaluation Policy Statement for definitions, p.3) of the VCSP. The evaluation team was asked to focus the evaluation on the relevance and effectiveness of the Project, with efficiency being of less importance (see p.69). It was also agreed that the evaluation would not assess the impact of the Project due to the lag in higher level effects becoming evident.

³ -signed off by the Steering Group on Monday 16 November.

⁴ See Appendix Three: Fieldwork Schedule (p. 101) for a list of data collection sites, and Appendix Two: Evaluation Plan (p. 81) for a description of the Evaluation Team.

30. An program logic approach was used to inform the overall design of the evaluation, and this was extensively used to determine intended outcomes for the criteria. The evaluation employed a range of methods and evaluative instruments to ensure multiple sources of data were available to form robust findings. These included document analysis, surveys, direct observation (using checklists), interviews, and data analysis. Where possible two or more sources, including possible contradictory sources, were sought to ensure a wide range possible perspectives were assessed. To ensure robust analysis, the same assessment (e.g. interview questions or checklist criteria) was used for each source to ensure comparability.

RELEVANCE

31. The Evaluation assessed the extent to which the changes address the needs of Vanuatu, its government, the Law and Justice Sector, the *Dipatmen* and offenders. This section explores to what extent the key Project objectives, activities and outputs are aligned with achieving the development changes sought from the Project, given the semi-dynamic development context. The section starts by discussing the Project's relationship with the development priorities of the VanGov, and strategies of the key sector donors.

Harmonisation and Alignment

32. The VanGov has two priorities related to the law and justice sector in its 2006 national development plan⁵. These two priorities are identified as:

- Priority one: "Improve governance and public service delivery by providing policy stability and fiscal sustainability via a strengthened law-enforcement and macroeconomic management capacity and a small, efficient and accountable government"
- Priority four: "Enabling greater stakeholder participation in policy formulation by institutionalising the role of chiefs, non-governmental organisations, and civil society in decision-making at all levels of government"

33. The 2007 Drivers of Change report commissioned by AusAID raised concerns about donor pressure regarding the development of national development plans, and therefore the degree of ni-Vanuatu ownership for the priorities. It is worth noting that the process for developing country strategies only uses the national development plan as a starting point and the priorities are confirmed or re-considered during engagement. This process will also include establishing linkages between national priorities and possible unique donor contributions. As such, the expressed linkages between country strategies and national plans have more validity than just face-value.

34. MFAT (Development) has aligned with these priorities by establishing a governance objective in its 2006 NZAID Vanuatu Country Strategy⁶. The governance objective (objective two) is stated as "to build demand for and improve governance, accountability and community safety". In the Strategy the VCSP is reasoned as being aligned primarily with VanGov priority one as it contributes to improved governance of a key aspect of the law and justice sector; can foster greater co-ordination in the sector; will lead to better policy and management of the associated services; and greater VanGov accountability within this part of the sector. For these reasons and the potential for escalating destabilisation due to violent offending and the mistreatment of

⁵ Government of the Republic of Vanuatu: Priorities and Action Agenda 2006-2015 (June 2006).

⁶ NZAID/Vanuatu Development Programme Strategy 2006-2010 (June 2006).

alleged and convicted offenders, the VCSP is also considered as making an important contribution to conflict prevention and peace building.

35. Interviews with VanGov officials, community representatives, civil society, other donors and MFAT (Development) officials confirmed the importance of the VCSP for contributing to priority one and in establishing conflict prevention and public safety. The importance to Vanuatu is also highlighted by the very high profile of prison issues and the Project within Vanuatu society. The evaluation team was also made aware of considerable public concern about.
36. The NZAID Vanuatu Country Strategy also highlights the need for “close coordination” between the VCSP and the AusAID funded police institutional strengthening project (p.15). Effective harmonisation within the sector is an important issue if development effectiveness is to be leveraged from the contribution of different funders. Interviews with VanGov, other donor, and MFAT (Development) officials all emphasised that the VCSP was filling a niche and that MFAT (Development) was well positioned to be leading in this area. The main issue raised was the degree of co-operation in the sector. While most interviewees (who had a view on sector co-operation) considered that the VCSP technical advisors were very proactive in initiating and looking for opportunities for co-ordination, there was a noticeable lack of formal and regular co-ordination and interviewees (VanGov and donor officials, and implementing agents in the sector) considered that this had had a detrimental effect on the outcomes of each part of the sector.
37. The Correctional Services Taskforce which was set-up during phase I with strong stakeholder representation (including across the sector) was initially active and helpful in guiding the Project. However, the Taskforce became less involved over time and discontinued its role in 2007, leaving the Project with less sector and stakeholder input. This Taskforce was re-established in late 2009, after the appointment of Mark Bebe as Director of *DBKS*, with the Taskforce again being involved in key decisions (e.g. design of the new Centre). It’s important that the Taskforce continues to undertake this role in the future as it provides for broad and critical ni-Vanuatu and cross-sector input, decision-making and ownership, and is likely to build and maintain understanding of the Project, its challenges and successes.
38. The development of a sector-wide strategy in 2009 will also provide an opportunity to increase the dialogue about strategy and service delivery between different parts of the sector. However, unless different parts of the sector develop joint outcomes and deliverables, then some important outcome will remain unaddressed (e.g. legal literacy). Moreover, delivery of individualised and mutual outcomes needs to be co-ordinated through formal cross-sector groups at both the sector leaderships and operational level.

Mutual Accountability

39. The unpublished 2009 review (monitoring report) report by Field and Cowan examined the approach taken in the correctional centres. A key conclusion in the report was the need to continue to strengthen the mutual accountability in

Vanuatu for the Project's results. Under the Paris Declaration on Aid Effectiveness (2005), mutual accountability is identified as a key response to build transparency and accountability at the country-level for development results. While this concept is focused on the country-level, as suggested by the previous review, it also needs to cascade down to the sector and programme/project level. Key steps in a mutual accountability process (modified for a project) would include agreeing on the intended results and implementation plan; monitoring progress; provide result-focused evidence; debating and engaging over the results; and response, including negotiating a revised plan with revised intended results.

40. The 2009 review pointed to the lack of public reporting and the abeyance of the Correctional Services Taskforce as aspects that have led to a low-level of accountability. While agreeing with the conclusions of the previous review, the current evaluation has taken a broader look at assessing the adequacy of the mutual accountability process for the project (see Table 1).

Table 1: Mutual Accountability Assessment

Process steps	Assessment	Comments
Agreed results and plan	Low	Weak articulation of project results (outcomes). While an initial plan was in-place, it has not been revised and published regularly
Progress monitored	Medium-Low	Joint review undertaken and published. Reporting system limited
Result-focused evidence	Low	Result focused evidence not provided and not reported publically or to a committee with stakeholder representation
Debate and engaging over the results	Medium	Based on isolated events and anecdote, and narrowly focused on the correctional centres. However, considerable public debate and awareness of some aspects
Response	Low	Some evidence of management response but not systematic. No evidence of the plan and associated results (outcomes) being revised and re-published

41. This assessment of mutual accountability supports the view put-forward in the 2009 review and also provides new information. Importantly, it recognises the contribution that the Office of the Prime Minister has made by providing team members from the Office for those reviews and this evaluation. These reviews (with the exception of Field and Cowan) have been published and are widely available. This evaluation will also be published. In addition, it identifies that the high-level of public debate in Vanuatu about the prisons has continued to some during phase II of the Project with newspapers articles, radio reports and parliamentary debates about the correctional centres. While this debate was narrowly focused on just one component of the Project and based on isolated

events or often anecdotal information, it should be noted that these mechanisms need to provide a level of accountability.

42. The assessment also points to key weaknesses in each step of the cycle. The mutual accountability mechanism was severely hindered by not incorporating agreed and clearly articulated time-bound outcomes for the Project (see 'Result Focused' section – next section) at the design and during implementation. Coupling the collection of timely and accurate reporting of result-focused information, with stronger and systematic public reporting of progress by the *Dipatmen* would have allowed for more timely, informed and less speculative public debate. Timely reporting of quality information would have created greater domestic accountability and more opportunity for a more considered and timely response to the pace of progress and prioritisation. Better mutual accountability reporting would have led to a more timely response to growing public pressure over safety concerns from escaped detainee and may have helped to avoid the destabilising (and alleged detainee abuse) effect of Vanuatu Mobile Force involvement in the Centres from mid-2008 to August 2009.
43. The *Dipatmen's* 2009 Annual Report to the Vanuatu Parliament signals an important step in the right direction for achieving better accountability. This public report includes information on counting the new number of (by type) sentences; number of probation reports (by type) completed; number and nature of community work sentences; number of community supervisors involved (2009:33); number of escapes from detention⁷; the activities/programmes; progress in the risk ranking and management of detainees; and reports on organisational and human resource developments, and training of *DBKS* staff. The Annual Report also outlines work that has been undertaken under the VCSP. The primary role of this report is for domestic accountability; however, the inclusion of a section on the VCSP broadens its role to also fulfilling (in-part) the reporting needs for MFAT (Development) as well. It is therefore important that the report continue and is further developed to include a broader range of outcomes⁸. Ideally, this would be developed on a *DBKS* results-reporting framework; however, should this not be available or information sources not prioritised, then the VCSP should give priority to ensuring broader outcome information is reported⁹.
44. The Republic of Vanuatu Office of the Ombudsman has an important position within the state sector architecture in Vanuatu. Its function is to ensuring administrative fairness and public accountability. In the past, this included reporting on the prison conditions and budget management (Office of the Ombudsman, 1999). Past work was particularly important for protecting the rights of detainees. The Office doesn't appear (stakeholder interviews) interested in the Correctional Centres currently, despite a significant level of public concern and debate about conditions and the treatment of detainees and

⁷ Appear to be under reported, as escapes from Luganville were not reported.

⁸ The development of quarterly reporting on the *DBKS* Business Plan would also be useful for MFAT reporting purposes given the six-monthly reporting requirement.

⁹ The Intervention Logic for this evaluation identifies a useful and relevant range of information, some of which are not being reported in the 2009 *DBKS* Annual Report.

offenders being recaptured. Under these circumstances, the Office is not in effect operating as an accountability mechanism regarding the *DBKS*, and detainees and community-sentenced offenders appear to have limited or no practical access to the Office. However, there remains the opportunity to re-engage the Office in the centres (in particular) to not only investigate individual complaints, but to also undertake systematic investigation function. More opportunity for this may arise with the Office entering a new phase under a new (yet-to-be-appointed) Ombudsman (see Safe and Humane sub-section).¹⁰

Result Focused

45. The Paris Declaration (2005) places an important focus on managing for results. As a response to the Declaration, more emphasis is being placed on results-based management since the inception of the VCSP. Managing for results requires frameworks that clearly articulated measurable outcomes, valid indicators of results, collecting results-focus information, reporting against the indicators, and management responding to performance information. Given that this transition has been occurring since the project started, it is understandable that the original project design document included a log-framework focused on outputs and activities. This framework was (wisely) updated during the first project review. However, the new framework did not encapsulate a results focus. As a consequence, the monitoring and evaluation of the VCSP to date has reported on the production of products and services and the undertaking of tasks. Moreover, monitoring and evaluation activities (reviews and reporting) have only been loosely based on reporting against the logframe.
46. The absence of clearly expressed cascading outcomes from the Project's objectives means that there isn't a clear set of shared outcomes on which to base monitoring and evaluation activities. This hindered the ability of MFAT (Development) and the VanGov to engage effectively over progress and to ensure timely and effective management responses. If the monitoring and evaluation system for this Project is to function effectively to support learning, improvement and accountability, then all aspects of the monitoring and evaluation system need to focus on results, including the monitoring and evaluation framework and regular reporting. Management response by project partners also needs to focus on engaging about result. Special emphasis should be given to fostering domestic accountability reporting by *DBKS*.

Capacity Development

47. This evaluation did not undertake an organisational assessment of *DBKS* as this is an evaluation of phase II of the VCSP and not an assessment of the organisation as a whole. The evaluative work assessed the progress towards identified intended outcomes most of which have a link to capacity

¹⁰ While other accountability mechanisms exist (e.g. bi-lateral talks and less formal bi-lateral and project engagements) these are not usually to inform public information needs. *DBKS* engagement with the media can also inform public information needs, however, these tend to be more promotional rather than through robust reporting, therefore, they have not been mentioned here.

development in some way. This sub-section outlines the findings regarding the relevance of the capacity development, and the following definition was applied, "... the ability of people, organisations and society as a whole to manage their affairs successfully" (DAC, 2006).

48. In accordance with good practice (DAC, 2006), three analytical levels for capacity development (individual, organisational and the enabling environment) are suggested. These levels are mutually supporting, and careful consideration needs to be given to addressing and sequencing needs at different levels. Phase I of the VCSP was focused mainly on the enabling environment as a precursor to organisational and individual capacity development. Phase II was designed to continue to strengthen the enabling environment, while developing organisational and individual capacity.
49. The feasibility study (2003) and phase II design document both specify the design and approach for the VCSP. These documents contain little guiding content about the intended objectives and outcomes of, and the suggested approach for, capacity development. However, there were some indications regarding the approach. These included a clear statement that technical assistance is "not intended to be in-line support". There are numerous references to activities where the technical resource should support the development of the *DBKS* and its services, though it is sometimes not clear whether the role is intended to be supportive or implementation. The two implementation reviews and engagements between MFAT (Development) and the technical advisors (refer file notes) provide no real guidance on the capacity development approach to be taken, nor was a specific approach determined during the re-design of phase II. In summary, there was minimal instruction for the technical advisors on the capacity development approach to take.
50. The intended and most valued role for technical advisors was examined during interviews with ni-Vanuatu *DBKS* and VanGov staff, and community and civil society representatives. Almost all participants identified an expectation that project staff would play a supporting and not in-line role in the three areas the Project works (corporate, correctional centres and community-based sentencing). The only difference in views was from business representatives and a minority of donor representatives interviewed who considered that a more operational delivery role was required. The evaluation team also observed a number of instances (10-15) where *DBKS* staff would seek advice from technical advisors when senior *DBKS* staff or managers were present, reflecting that they are, at least by some staff, seen as partly in-line functions. All the technical advisors explained that there was a crucial need to get changes designed and in-place and that this was the priority. Three advisors were of the view that process and procedures could then be adjusted for ni-Vanuatu input later. Another two advisors suggested that this contextualising the changes were of a lesser priority than training and monitoring compliance with the changes.
51. There is therefore a disparity between key ni-Vanuatu stakeholders' expectations and the role often undertaken by technical advisors. This gap appears to be linked to low levels of ownership and commitment to some of the

products being developed under the project umbrella. Many of the ni-Vanuatu people interviewed (over half) commented that the approach being implemented was a 'New Zealand' system (un-prompted). When asked about this, interviewees identified that the processes and procedures were designed for New Zealand and were being implemented in Vanuatu, without integrating ni-Vanuatu ideas or *kastom*. While two interviewees considered this to be a good thing (change is necessary), other people interviewed considered that this was not appropriate and was compromising the success of the Project.

52. Linked to this, it was also found that staff in the correctional centres were often unclear about the processes and procedures and had low commitment to implementing them (see Effectiveness and Sustainability section for more information). In contrast, many of the processes and procedures developed for community-based sentencing appear to be supported by *Probesen* staff and there appeared to be a reasonable level of commitment to implementation.
53. The gaps between good capacity development practice and the current approach have hindered progress, and, with the exception of community-based sentencing, made the changes to date unowned and unsustainable. As a consequence, if the technical advisors were to be withdrawn from *DBKS* and the Correctional Centres now, as originally planned, these units are likely to retract and fail. The original planned period of the project (five years) needs to be extended for, at least, three years to ensure that the required development outcomes are achieved and sustained.
54. There are a number of important factors that led to the technical advisors undertaking roles that involve more in-line work and less individual capacity development that is intended or desired (see below). Given these points, and the conditions they infer, the approach taken by the technical advisors was, in many ways, understandable.
 - specific capacity development approach and outcomes were not clear
 - capacity development outcomes have not been systematically monitored and reported, with systems in-place for feedback response
 - MFAT (Development) engagement with technical advisors seems to have been accepting (if not, promoting) of an in-line approach being taken
 - limited *DBKS* human resources, capacity and change in senior management
 - project delays and increasing public pressure for change
 - technical advisor's development experience and short-term nature of the contracts
55. More would have been achieved during phase II of the project had a stronger co-working, partnership approach been able to be taken. The lack of *DBKS* organisational capacity was not sufficient considered when considering the work to be undertaken under phase II, and, as a consequence, technical

advisors were allocated to roles where they often had little opportunity of co-working or working in partnership. Responsibility does not lie with Department of Corrections (NZ) or the technical advisors. MFAT (Development) needed to ensure that the original Project design and the phase II re-design were clear about the preferred approach and the expected capacity development outcomes. This should have included a clearer description of the approach to be taken for different aspects of the Project, including which activities should be completed as in-work by technical advisors, and when technical advisors undertake a supporting/mentoring role. The description of the approach should have been accompanied by clearly articulated and time-bound capacity development outcomes cascading from project objectives that allowed for effective tracking of progress and regular *DBKS* and project reporting. The absence of identifying and monitoring these outcomes means that a shared understanding of expectations was not developed and there was no documented basis for engaging over capacity development progress and priorities. Over prescription and inflexibility could have easily been guarded against through an annual system for re-negotiating the outcomes, along with the activities.

56. The AusAID-commissioned Drivers of Change Report¹¹ discusses the contributing factors to the failure of past technical assistance-based donor interventions in Vanuatu. The report highlights (p.54) the following contributing factors:

- technical assistance substituting for, rather than developing national capacity
- skill and knowledge transfer being limited by technical advisors cultural, and political and institutional understanding
- skill and knowledge transfer being affected by communication barriers
- the lack of technical advisor continuity.

57. The contributing factors identified in the Drivers of Change report are consistent with the findings of this evaluation. The technical assistance for the VCSP has, at times and too often, substituted capacity rather than contributed to sustainable capacity of the *DBKS*. Progress in the first two-three years of the Project was considerably hindered by cultural and political understanding, and communication barriers between technical advisors and *DBKS* staff. The 12 month assignments for Correctional and Probation Advisors compounded these problems, meant building new relationships between *DBKS* staff and new advisors, and appears to have created some discontinuity in work programs. Continuity has been maintained with advisors in *DBKS* corporate and with some repeat Correctional advisors assignments¹². The commitment corporate office advisors have shown in building their understanding and knowledge of Vanuatu society and their language skills, together with their commitment to

¹¹ The Unfinished State: Drivers of Change in Vanuatu (2007)

¹² Department of Corrections (NZ) is also limited in its capacity to second staff for extended lengthens of time, and has been very supporting in allowing the technical advisors Corporate Office to remain for extended periods.

repeat assignments have provided considerable benefits for the project. It would be worthwhile trying to maintain advisor continuity as much as possible in the future depending on the skills required for different stages of the project.

Ownership

58. A key policy consideration for MFAT (Development) is the development of country-owned development outcomes, as country ownership is closely linked with achievement and sustainability. The VCSP was initiated based on VanGov response to public pressure. The problems within the prisons had been subject to public debate for almost 10 years. Public interest has continued during the implementation and the Project is now well known. While public interest is high, public ownership can only be said to extend to the higher-level outcomes of a safe, secure and humane system. Understandably, ownership does not currently extend to the correctional approach as (according to interviews with *DBKS* staff, community representatives, civil society and organisations) the approach isn't well known or understood. A *DBKS* communication plan had intended to be developed under the VCSP; however, this has not been done and is over-due. The Plan should be developed and used to guide developing a better public understanding of the correctional approach and how it is now leading to important benefits for Vanuatu.
59. Ownership at the political and sector level has varied during the period covered by this evaluation. A key indicator of ownership is government funding. Funding for the *DBKS* has stabilised during the period and this is a marked improvement on a system that frequently saw prison funding diverted to other functions prior to the Project (at that time, just 10 percent of allocated funding reached the prisons). The proposed structure for *DBKS* has been signed off by the Public Service Commission but full funding was not agreed by the VanGov for 2010. Funding was increased in mid-2009 when the new Director rallied support; however, this had not included the funding of the structure, meaning key positions have not yet been resourced with permanent staff.
60. As is described later in this report (see the section starting on p.27), the degree of ownership at the component level varies. There are promising signs with the correctional approach started to be embedded, ownership and commitment to processes and procedures is developing for community-based sentencing, but this is only marginal within the Correctional Centres. The low-levels of ownership in the Correctional Centres indicate that these processes and procedure changes are not currently sustainable and will take an adjusted approach and more time for this to develop.
61. Ownership and commitment are critical to the success of the VCSP. The design of the project needs to be underpinned by, in particular, a capacity development approach, clear associated capacity development outcomes, and reporting that constantly re-enforce both conditions.

EFFECTIVENESS AND SUSTAINABILITY

62. A monitoring and evaluation framework for the Project was designed as part of the phase II project review. This logical framework is output and activity focused, and therefore low-level, and of limited value for assessing Project effects (outcomes). The Program Logic and Matrix developed for this evaluation and confirmed with key stakeholders provides an outcome-focused framework with which to assess progress (see Appendix Four, p.104).

Corporate Services

63. The 2003 feasibility study provided little information on the intended outcomes of the corporate function of the *DBKS*. The main inferred role is that the corporate service would set-up the *Dipatmen*; manage the change process; and develop policy, procedures and processes as necessary. The Phase II design document provided a separate objective for the Service stated as “strengthening the institutional capacity of the *DBKS*”. No outcomes were identified but a range of outputs or activities were specified which included

- developing management processes, policies, business planning and reporting
- developing corporate systems
- undertaking a training needs analysis, developing an HRD plan, and developing generic induction training programmes for new staff
- developing a national integrated database for offender management
- providing furnishings and equipment for the *Dipatmen*
- providing vehicles
- developing a maintenance plan
- developing a communications plan (and community awareness programme)

64. The role and expectations of the Corporate Service was assessed through key stakeholder interviews, and key related outcomes developed for the purposes of this Evaluation (Program Logic and Matrix, p.104). The key evidence to assess the degree to which these outcomes were met was identified and informed the data collection that was undertaken. Many of the outcomes overlap with the findings discussed already in the capacity development sub-section of this report (see p.20). In particular, please refer to enabling environment and organisational sub-sections. Outcomes not covered by these sections are discussed below.

Leadership

65. Leadership is indisputably the most important aspect of any change process. There needs to be continuity in leadership and consistency in the demonstration of ownership and commitment to the change underway process. Leadership capacity is always challenging, much more so in a developing country context, even more so, in the case of a small island nation. As noted in the Drivers of Change report, Vanuatu faces similar challenges. While this evaluation is not assessing the capacity *DBKS*, understanding the leadership context and how leadership has developed under the Project is important for understanding progress and the reasons for behind it.
66. The evaluation team formed its view on past leadership of the *DBKS* through interviews with key stakeholders and considering the relevance and effectiveness of key decisions. While there was some variation in the views provided, there was also a significant degree of consensus on the influence *DBKS* leadership has had on the achievement of the Project objectives (and outcomes). During the five year period there have been four Directors with three of these being acting (see p116 for details). According to key stakeholders interacting with the *DBKS* during this period, the degree of strong and consistent leadership that had been hoped for was not present. This was a critical time for the Project with the pace of change needing to increase and a rise in public scrutiny. The *DBKS* does not seem to have been well-placed for this, and its response appears to have under-estimated the changing political environment. For example, the *Dipatmen* does not appear to have responded effectively to mitigate the unsubstantiated media reports about continued committing of offenses by detainees either who'd escaped or were on release from correctional centres.
67. These circumstances contributed to Joshua Bong from the Vanuatu Mobile Force being appointed Director in June 2008. Joshua Bong continued as Director until January 2009 and was replaced by Mark Bebe. The Vanuatu Mobile Force ended their involvement in August 2009. Mark Bebe had been the chair of the Correctional Services Taskforce during the inception and early stages of the *Dipatmen* and had a good track record in the Vanuatu public service. His experience in the public service no-doubt led to him being moved to another organisation (Ministry of Health) in September 2009, after he had secured a site for the new Port Vila Correctional Centre and additional temporary resources for the *DBKS*. The acting Manager of the Strade Correctional Centre was appointed acting Director in October 2009 is holding the position while the recruitment of a permanent Director is completed. The first recruitment round in October 2009 did not identify a suitable candidate (four applicants), and another round is underway.
68. The first phase of leadership provided the consistency the new *Dipatmen* needed, but progress was slower than expected and key priorities of security and securing land for the new site were not achieved. Three acting directors were then appointed in 18 months. This instability diluted the function and influence required from leadership despite the qualities brought to the job by two of the three acting directors. The appointment of a Vanuatu Mobile Force

officer as acting Director when officers from the same organisation were sworn-in as Correctional Officers, created critical line-of-control problems that ended in the new approach being effectively suspended, and systems, processes and procedures not being used. This was a damaging and regressive time for *DBKS* leadership, and for the security and humanity of the Correctional Centres.

69. Short-term, temporary leadership has not provided the consistency an emerging department requires. This has led to a difficult situation for MFAT (Development)-funded technical advisors in the Corporate Office who, due to their extended involvement in the Project, are often seen as able to provide continuity rather than the ni-Vanuatu peers. This situation is undermining the role of the advisors and means that when ni-Vanuatu personnel are supplemented with advisory resources, project outcomes become unsustainable. It is critical to the effectiveness and sustainability of the Project that leadership issues are addressed, including both at the Director and second management level. The Partnership Agreement between the Ministry, *DBKS* and MFAT (Development) provides a useful platform for engaging over possible leadership changes; however, in a small country like Vanuatu, it is likely that changes to leadership will be a feature of the continuing Project environment to some degree.

Correctional Centres

70. There was strong consensus around the expected reform of the Correctional Centres. The centres were expected to be developed to be well-functioning facilities that provided for the safe, secure and humane detainment of detainees, who were reformed by the experience of detainment and reintegrated effectively with their communities. While the primary method for achieving this was the building of a new facility or facilities, it was also expected that safety, security and conditions would improve in the interim. Most of these reforms were expected within phases one and two of the project, with the third phase involving additional capacity development activities to cement changes and ensure the future independence of the centres. While there were different views amongst stakeholders on prioritising and how to achieve the outcomes, there was consensus about what was to be achieved.
71. Key VanGov, MFAT (Development)/MFAT, Department of Corrections (NZ) officials were asked during the evaluation what specific changes they would have expected to see in the Correctional Centres by now. Their responses can be summarised as
- conditions improved to help meet the UN requirements
 - mistreatment of detainees reduced/stopped
 - *Kastom* more clearly introduced, including operations underpinned by *rispek*
 - correctional philosophy introduced and embedded
 - detainees rehabilitated to ensure a worthwhile contribution to society

- sustainable reduction in the number of escapes and external freedom of detainees
 - no escapes leading to public safety being compromised.
72. Development work occurs in environments that are often fluid and Vanuatu is no different. As such, it is important to consider whether contextual issues would have changed the high-level project outcomes during phase II, in particular. Interviews with key ni-Vanuatu stakeholders suggest that there was little change overall, however, as delays occurred there was a need to shift priorities to ensure Correctional Centre outcomes were achieved. In particular, the pressure continued to build during the project to ensure the safe containment of detainees and public safety.

Correctional Philosophy

73. There was strong ni-Vanuatu support (Ministry leadership, parliamentary members, community leaders) during the design stage of the project for a move from a punitive prison system to an approach based on a philosophy of correcting the behaviour and promoting the successful re-integration of the individual back into society. Implementing this approach requires public and institutional buy-in to key underpinning values, namely mutual respect; human and safe treatment; valuing and believing in individual change; and organisational, institutional and individual (staff and management) consistency. Commitment and consistency by management and senior correctional staff is of primary importance. Of equal importance is that the approach be adopted (adaptive quality) for implementation in the Vanuatu context. This requires modifying the correctional model to the ecological factors important to successful implementation in Vanuatu.
74. The evaluation found wide-spread support for a correctional philosophy from the diverse ni-Vanuatu stakeholders interviewed. Interview responses consistently showed that respondents wanted the correctional centres to be institutions that reformed and released citizens that would re-integrate well with their community on release and were able to give back to these communities in the future. They identified that in-humane, unsecure facilities, without effective rehabilitation and up-skilling programmes and with too limited community involvement did not provide environments conducive to 'correction'. Several interviewees (including Ministry and community leaders) stated that detainment was for correction.
75. The evaluative approach involved carefully selecting community representatives who may have alternative views and competing ideas. The interviews with these types of stakeholders (e.g. women's and business groups, and other civil society organisations) showed consistent support for a correctional approach. These respondents were understandably cautious about the process used and the degree of access that detainees would have to the community before rehabilitation could be confirmed. The citizens these respondents represent and work with on a daily basis, include victims of violent offending.

76. The wide-spread support for a correctional approach is in contradiction to the evaluation briefing and meeting with the Steering Group, and interviews with High Commission staff upon arrival in Vanuatu. The team was told to be aware that there was growing public concern about 'soft-handling' of detainees and that the conditions in the correctional centres were too comfortable and attractive, and that a public backlash was possible. The evaluation team found very little support for this proposition and when ni-Vanuatu interviewees were asked about public concerns, respondents said that, at most, there was probably a very small minority holding those views and that they were not consistent with *kastom* values. It was also suggested by three interviewees that any negativity about the correctional approach was being promulgated by the Vanuatu Mobile Force as some Vanuatu Mobile Force staff considered that the correctional centres should not have been civilianised. Despite persistent efforts, the Evaluation Team was not able to interview police leaders in Port Vila to explore their views. Two interviews were completed with police officers and while these staff were supportive of a move to a correctional approach, they were not in positions of influence and their views were not useful for gauging police attitudes overall.
77. Correctional Centre managers, principal and senior correctional officers, and a random selection of Correctional Officers were interviewed from each Correctional Centre. These interviews showed varied commitment to a correctional approach, including variation at the management level. Most principal, senior and other correctional officers showed a reasonable level of understanding of the correctional approach. There was, understandably, variation in understanding and consistency with which the correctional approach was being applied. The civilianisation of the correctional centres has only been in place for about four years and in that time there was a disruptive 18 months of Vanuatu Mobile Force involvement. This combined with the high number of officers on temporary contracts, means that there has been limited time for training and for experience to bed-in. While progress with implementing the correctional approach has been reasonable, continued support by senior correctional officers and technical advisors, and continued training will be necessary.
78. Of concern was the degree of variation at more senior *DBKS* levels of the application of the correctional approach. Alignment between the messaging and consistent actions of centre managers and principal correctional officers and the adapted correctional model is critical for staff buy-in. Several key interviews revealed views and actions by managers/principal correctional officers that were inconsistent with the approach being implemented. This includes not taking prescribed action when violent offences against detainees were alleged and giving temporary release without following procedures.
79. In part, these findings reflect the degree of time in the job and further embedding of the processes and procedures can be expected (to some extent) as their experience develops. However, there are also two key factors that appear to have limited progress. Firstly, the correctional approach has not

been adapted to the Vanuatu context to the degree required¹³. Further adaption of the approach and aspects being implemented would help to ensuring broader staff commitment and to that the design is implementable, including incorporating (as was intended) *kastom* practices and other forms of community involvement to a greater degree. Secondly, the decision to wait until the new Port Vila Correctional Centre was completed before providing New Zealand-based training opportunities for correctional staff, limited the exposure of senior correctional officers/managers to seeing a well-functioning system based on the correctional approach being implemented¹⁴. Exposure and training in New Zealand would have been beneficial as has been seen with *probesen* staff training or on attachment in New Zealand¹⁵.

Correctional Facilities

80. There have been calls from within and abroad for new correctional centre/s since 1995. This has included a considerable degree of VanGov (Ministry of Justice and Ombudsman) and independent international scrutiny (ESCAP, Amnesty International, British and French delegations and MFAT (Development) of the conditions in the centres and considerable public debate. This included Amnesty International in their 1998 report calling for donors to move to assist VanGov to progress the construction of new facilities. The prison conditions and public pressure were key factors behind the agreement of MFAT (Development) and VanGov to undertake the VCSP.
81. The original feasibility document (2003) identified the need for remedial work on current correctional centre facilities, the establishment of temporary facilities and the completion of new facilities before the end of 2008. This included the technical advisors providing advice for the establishment of temporary prisons and upgrading the women's prison (May-Oct 2004) in phase I, and providing advice on new land purchase (Sep 2004-2005) and design (2005-2006) in phase II, with the new facility/s being completed at the end of 2008 (Feasibility Study, 2003). Due to project delays, these expectations were revised in the phase II design document; however, the document did not provide delivery timelines. Ni-Vanuatu stakeholders interviewed for this evaluation showed clear expectations that the new facility/s was a key priority and would have been completed by the time of this evaluation, as did the range of MFAT (Development) project files that were examined. The 2008 phase II review (Byers and Vurobaravu) noted that it was essential that the new facility be available by June 2008.
82. At the time of this evaluation the building of the new Port Vila Correctional Centre has not begun. As noted in past review reports, a number of options were investigated and with negotiations being undertaken on two sites;

¹³ While the Correctional Services Taskforce guided *DBKS*'s development, it appears that the degree of adaption necessary for successful implementation was under-estimated.

¹⁴ VCSP staff claim that correctional offices undertook a study tour to view the Solomon Island system; however, the grant funding agreement says that this was intended for *probesen* staff. The Team isn't in a position to be sure.

¹⁵ During the period of Vanuatu Mobile Force involvement in the Centres, it was reasonable to retain senior staff on duty rather than sending them for training in New Zealand.

however, these were unsuccessful. In early 2008 the VanGov leased a block land (authorised by the Ministry of Lands) for the prescribed purpose; however, in December 2008 the lease was invalidated due to a dispute over the land.

83. In April 2009 an alternative site was identified, and land at Rangorango, beyond Bauerfield Airport, has subsequently been secured for 30 Million vatu. No tender process¹⁶ has begun as the programme for access and services is still being determined. The Public Works Department has been assigned responsibility for constructing the access road funded by the VanGov. This work as due to start in December 2009, but has now been delayed due to negotiations over the access as the current road is private property despite being used for public access in the past. Senior *DBKS* staff stated that the new Port Vila Correctional Centre would be commissioned by the end of 2010; however, past delays suggest that access and utilities may not be completed before mid-2010 and completion timelines on the facility are likely to slip, meaning that the facility is not likely to be commissioned before mid-2011.
84. Completion of the new Port Vila Correctional Centre will be between two and two and a half years behind schedule, despite this component of the Project being a priority as identified in initial planning and engagement documentation and during interviews. This also has cost and resourcing issues for the Project and therefore MFAT (Development) and the Department of Corrections (NZ). The role of the technical advisors was to provide advice on the process and design of the new facility. By all accounts (interviews), their advice on the facility requirements, site suitability and the process has been timely and sound. Their role was not to secure the land, and ni-Vanuatu and other stakeholders interviewed apportioned responsibility for the delay on securing the suitable site on ni-Vanuatu *DBKS* staff¹⁷. Moreover, the technical advisor team leader appears to have kept MFAT (Development) informed about the delays through project reporting and engagement with the MFAT (Development) Manager. Advice was sought from the Lands Office before securing an earlier lease. This advice was found to be unreliable as the land was under dispute. The key reasons for the delay in securing suitable land can be summarised as:
- the complex and fraught nature of land tenure issues in Vanuatu were underestimated in the original phase design
 - the requirements for the new site (land area and locality) limited the number of potential sites, and this was also underestimated in the original phase design
 - Senior *DBKS* staff do not appear to have given due priority to securing the land.

¹⁶ Kramer Unsenco's contract has been extended for technical, and tender and construction services.

¹⁷ The Director General of Justice and Social Welfare initially publically assigned blame (Vanuatu Daily Post, 31 January 2009) to the Project and "New Zealand Government technical advisors" for the delays. However, his view is now that "this problem is a ni-Vanuatu problem. Ni-Vanuatu are to blame".

Detainee Management

85. Well designed correctional facilities make a big difference to how detainees are managed. The facilities in Luganville and Port Vila were substandard at the start of the project meaning that temporary correctional facilities needed to be established and remedial work undertaken. Sufficient funding grants were provided to improve these facilities to an operational level, in anticipation of the Port Vila Correctional Centre being completed by the end of 2008.
86. An important aspect of detainment management is being able to segregate types of detainees to lower the risk of harm and incidents occurring. A risk grading (low/medium and high) of detainees was introduced in 2007, with a separate medium grade introduced in 2009. This system was used to separate detainees into different accommodation blocks, to assign different privilege, and to recognise good behaviour. Both technical advisors and Correctional Officers acknowledge it had taken time to embed the system (as with any judgement-based approach). There was also consensus that the grading system had retracted between mid-2008 and August 2009, with decisions becoming more arbitrary, less transparent, and personal affiliation having an influence. Detainees generally expressed support for the system, with just two high-risk detainees saying that it was unfair¹⁸. This system appears to be working reasonably well given the difficulties experienced in the 12-months to August 2009. The system has helped to ensure greater security while allowing for the fair treatment of detainees. A key component has been the ability to separate high-risk detainees.
87. Women detainees are now located in a Police training barrack in Port Vila near the Ex-British Koreksonal Centre. The temporary Women's Correctional Centre is adequate (observation and interviews), clean and tidy (observation checklist). There is not currently the capacity to separate high-risk women detainees, and a new born baby is currently living in the Centre with its mother. However, security and the potential for disruption are not a concern. At the time of the evaluation there were three detainees and one female Correctional Officer on duty. Two female Officers are rostered on at night due to the visually exposed nature of the Centre and resulting safety concerns – there have been incidents of young men standing by the fence and verbally harassing detainees. Initial interviews with advisors suggested that it would be preferable for the women to be located in a secure unit within the Stade Correctional Centre and that risks to the women's safety could be effectively managed. This would make use of Correctional Officer resources easier and would lower operating costs, and this could be beneficial given the delays in the construction of the new Port Vila Correctional Centre. Advisors' feedback on the draft of this report is that this option is unlikely to be viable and safety could not be guaranteed¹⁹.
88. An important unresolved problem in the temporary correctional centres is the ability to separate juveniles from older detainees. This is important for the

¹⁹ There have been some personnel changes since the fieldwork.

protection of the juveniles and ensuring that they are not exposed to criminalising behaviour. The current system is for juvenile detainees to be located in the low-risk units and paired with experienced and trustworthy detainees. There will be a juvenile unit within the new Port Vila Correctional Centre once completed. While the current system introduced by the VCSP is not ideal, and it is unclear what would happen if the current environment was found to be unsuitable for juveniles, there have been no reports of ill-treatment or concerning behaviour. In fact, there may be instances when juveniles are better treated and mentored away from criminal behaviour through being paired with well-chosen detainees. The current arrangements are adequate given the options available, and note that the new Port Vila Correctional Centre will allow for separating juvenile detainees.

89. An important issue identified in interviews with *DBKS* senior staff was the appropriate degree to which custodial services should be centralised. With correctional centres being located in Luganville and Port Vila, detainees on remand or sentencing needed to be transported by air to these locations, and transported back for hearings. *DBKS* is concerned about the cost to the VanGov of these transportation costs and that the current arrangements are not secure and may put members of the public at risk²⁰. During the interviews, statistics showing offenders' island origin were used as a rationale for provincial offices. However, with over 80 percent of offending occurring in the urban centres of Luganville and Port Vila, island of origin cannot alone be considered a useful statistic. In addition, given the number of incidents involving groups of offenders, for example 22 people from the same Malekula village for drug offenses 2007 and 30 from one village in 2008 for rioting and arson, location of offending statistics would be unreliable unless data over an extended period was considered (e.g. 10-15 years).
90. The expense of transportation needs to be carefully considered against the cost and risk of increasing operational complexity through more facilities, increasing administration costs, fluctuation in demand, and the role of *DBKS* compared to that of the Vanuatu Police Force. The problem appears to primarily stem from the Vanuatu Police Force not having temporary holding cells in these locations, and concern about the historical treatment of detainees. If issues about the treatment of detainees by Vanuatu Police officers remain, these need to be addressed through the Law and Justice Institutional Strengthening Project. The Police need the capacity and capability to hold detainees safely, humanely and securely for up to 48 hours. If this is occurring, and a robust financial analysis of the options is undertaken, then the need for more provisional correctional facilities may be found to be unwarranted.²¹
91. Between 2006 and early 2008 there appears to have been slow progress in designing and introducing new process and procedures. As noted in VCSP

²⁰ Detainees sometimes reside in insecure civil housing while awaiting transportation.

²¹ The debate around decentralisation of custodial services is occurring within a wider debate about service provision in the provinces. While the rationale for correctional services in provisional centres needs to be built of an argue about efficiency and effectiveness, it is likely that the final decision by the VanGov will to some extent be influenced by politics.

reporting and interviews with all technical advisors, conditions on arrival were more underdeveloped than they had expected, leading to more time being spent on establishing the basis for stronger systems. This included establishing the civilian work force, building relationships with Centre managers and scoping remedial work on the facilities²². Focus was given to enhancing some basic process and procedures, including use of the occurrence and incident books. During this time twice daily musters and a complaints form and procedures were introduced, and work on other processes and procedures and the detainee handbook was started. Overall, although progress was made, developing, implementing and the take-up of these systems appeared slower than expected during this period.

92. These new and strengthened systems retracted during Police involvement in the Centres from Mid-2008 to August 2009. After which, with considerable urgency, a more extensive range of processes and procedures, and assorted documentation, were developed and introduced. This included nine registers (admissions, appointments, detainee property, official visitors, visitors, rations, muster, centre management, and tool register), documentation (including incident reports, medical requests) and process and procedures that included risk classification, key security, use of handcuffs and constraints, escorting detainees, muster checks, searching detainees, perimeter checks, radio communications, detainee discipline, un/lock, and emergency procedures.
93. Interviews with Correctional Officers and technical advisors²³ suggested that, although Correctional Officers appreciate the purpose and role of these changes, many of the process and procedures, and documentation, are not well embedded and some do not appear to be used (e.g. complaint and medical requests). To a greater or lesser extent, all the correctional officers shared the view that the processes and procedures were 'New Zealand's' and cultural differences made them hard to implement e.g. handcuffing detainees for transportation, using an official complaints systems rather than (or along with) *kastom* practices, declining un-scheduled visits, searching individuals (esp. older people) etc. Interviews revealed that there was little partnership and participation involved in the development of many processes and procedures, meaning reduced prospects for adaption from the good practice²⁴ model and building ownership and commitment. When asked about this, advisors said it was better to get them in-place and then to adjust them for context. It is highly likely that if the processes and procedures, and assorted forms and documentation, had been developed in-partnership and integrated a ni-Vanuatu perspective then ownership and commitment, and take-up and compliance would be greater. Moreover, while it is acknowledged that correctional centres are by their nature complex systems, the Team considers (senior correctional officers interviewed also), that it would have been better to continue to focus on priority processes and procedures until these were well-embedded before expanding the scope.

²² Much of this work needed to be completed as in-line rather than partnership-based work due to its one-off nature.

²³ Some open-ended responses from detainees also supported these conclusions.

²⁴ While staff (and stakeholders) considered it to be a 'New Zealand' model, it is more accurate to refer to it as a 'good practice' model as many practices are international in nature.

94. The phase II design placed greater emphasis on introducing aspects of *kastom* in detainee management. The rationale was explained through a well-reasoned but theorised or anecdotal link with better rehabilitation and re-integration. The evaluation team supports this reasoning. How this could be done was considered through interviews with *DBKS* and correctional centre staff, and other community stakeholders. Increased involvement of the community in the Correctional Centres was identified as the key (and only) aspect from strengthening *kastom* in the Centres. This aspect is progressively developed in the Centres with the involvement of church representatives and community organisations in some programmes. Community services are often highly valuable because of their understanding of community needs, but are often provided by busy voluntary labour and/or organisations with low or fragile capacity. There needs to be a recognition that, while appropriately provided by community organisations, delivery may be subject to variability and temporary delays.
95. Stakeholders were also of the view that chiefs and community leaders needed greater access to detainees to support them one-on-one. Increasing this type of community access and the aspects of *kastom* that it offers during the detainees' sentence term is likely to contribute substantially to behaviour reform and re-integration. Current levels of access to detainees are insufficient to allow this.

Training of Correctional Staff

96. Developing a well-trained, civil workforce to run the Correctional Centres is an important aspect of phase II of the VCSP, and the future independence from donor support. Delivery of this aspect was to be based on a training needs assessment and plan undertaken early on in phase II. Some of the personnel employed as Correctional Officers came across from the Vanuatu Police Force and therefore would have received some form of training in the past, other personnel were new to the sector with varying skills. No assessment has been undertaken nor a plan developed (technical advisor interviews). Instead, a two-pronged approach has been taken during phase II of the project. This has involved ongoing mentoring by technical advisors assigned to the Correctional Centres in Port Vila and Luganville, and undertaking training.
97. During the period from 2005-mid 2009 mentoring of Correctional Officers by technical advisors was used as the primary capacity development approach. According to technical advisors, mentoring focused on working with Prison Managers, and Principal and Senior Correctional Officers. Correctional officers valued this relationship and the experience and contribution of the technical advisors. Placing correctional technical advisors in centres over the last year has been an important and useful extension to enabling greater on-site support. As mentioned in the previous section, interviews with managers and officers did highlight concerns about ownership and commitment to implementing the processes and procedures due to differences with ni-Vanuatu culture and "way of doing things" (only one interviewee did not mention this). Conversely, technical advisors said they were frustrated with the willingness of some staff to

take advice and follow 'good' correctional practices. In one situation, this had led to an important relationship being particularly strained.

98. Core training for Correctional Officers was delivered in the second-half of 2009 in Luganville and Port Vila. These trainings were designed by the technical advisors, with the first being presented solely by advisors and the second with some ni-Vanuatu input²⁵. The training covered 15 main processes, procedures or topics that the officers were expected to be familiar with during the week-long period. Several of the officers interviewed mentioned that the training was very good but hard to put in-place within a ni-Vanuatu context because of the cultural differences, complexity (number and nature of the processes and procedures). The training expected too much of them. Despite this, most interviewees suggested that their practices in the centres had changed as a result of the training. It is important that this training programme continue with increased ni-Vanuatu staff involvement, including incorporating a 'train-the-trainer' approach so *DBKS* training capacity is developed.
99. Implementation decisions have led to technical advisors not being deployed into centres until about a year ago, training for correctional officers not being developed and delivered until 2009, and no overseas training or attachments being available to correctional staff. The lack of a new facility with which to design systems and training and the lack of permanent correctional staff are key factors behind the decision taken. However, as a consequence of the decision, between 2006 and 2008 the correctional staff were left with little mentoring and no training, and the systems in the centres progressed only slowly during this period. Despite some degree of correctional staff instability, more prioritisation for training and mentoring of correctional officers in the centres between 2006 and 2008 is likely to have improved centre systems, including those related to security prior to Vanuatu Mobile Force involvement.

Safe and Humane

100. Improving the safety and humane treatment of detainees has been priority for the VanGov since the mid-to-late 1990s. The motivation behind the VCSP for both the VanGov and MFAT (Development) was clearly (files and interviews) to make significant short and medium/longer term steps to improve both safety and humane treatment. Significant changes were expected before the construction of the new Port Vila Correctional Centre; however, the extent of the changes was to be weighed against the short-term cost and benefits, taking into account the opportunity of waiting for the new facility.
101. As stated in the Methodology section of this report, United Nations Standard Minimum Rules for the Treatment of Prisoners (see p.145) was identified as a suitable set of rules with which to benchmark progress for improving conditions. A subset of the 19 of the 95 rules were identified as being relevant for a brief assessment of the prison environment and key aspects of health, safety and welfare of each site. The main aspects covered for this assessment were the

²⁵ Interviews with staff suggests that ni-Vanuatu staff only co-presented a small part of the training – this appears consistent with the presentation slides.

living conditions (cleanliness, space, sleeping arrangements, food); treatment of detainees by officers; complaint procedures (internal and external); access to visitors and counsel; and working conditions and requirements. The detailed findings for the assessment against the Standard Minimum Rules is included in the appendices (see p.161). The following table provides a summary of the findings of the Evaluation Team.

Table 2: Correctional Centre Assessment

Principle	Findings	Comment
Living conditions	Adequate / improvement required	Accommodation areas were generally tidy and organised with detainees taking pride in their environment. Ablutions cleanliness needs improving; unlock times were creating tensions and potentially negatively impacting on rehabilitation
Treatment of detainees	Not adequate but improving	Signs of mutual <i>rispek</i> . Low-level and isolated violence; medical access sometimes denied; inconsistencies by CSO and Centre Managers
Complaint procedures	Not adequate	While systems are developed and staff trained, internal procedures are not consistently applied; detainees are concerned about consequences; no semi-independent internal appeal; inadequate access to external, independent options, including the Ombudsman's Office
Detainee segregation	Adequate / improvement required	Women in a separate facility and high-risk segregated. Juveniles and remandees with low risk detainees
Access to visitors	Not adequate	Minimum access not conducive with rehabilitation; some inconsistencies
Work conditions	Not adequate	Detainees feel pressured to work including on activities subsidising and returning revenue to Centres (without remuneration)

102. The evaluation team found that the living conditions within the Centres were adequate. This included centres which were at or nearing capacity, but no evidence of over-crowding. Buildings were generally dilapidated but adequate; facilities and grounds were generally tidy and sufficiently clean; and detainees were general clean and did not appear timid or fearful. The accommodation areas were particularly tidy with detainees seem to take pride from maintaining these areas. Areas for further improvement include (see p.161 for detail):

- Food being delivered on time and hot to the Ex-British and Women's centres in Port Vila
- Allaying Ex-British Centre detainees' concerns about the safety of remand and low risk unit against earthquakes
- Improving the cleanliness of ablution areas

- If the Luganville site is secured as a permanent facility, investigate options for replacing the ablution block
- Increasing the time outside the immediate cell unit for low-risk and remanded detainees
- Improve the implementation of the complaints system in correctional centres
- Investigate establishing a semi-independent function within corporate service for escalated complaints
- Encourage the Office of the Ombudsman to fill an external complaints and investigation role in correctional centres
- Increase detainee access to both personal and privileged (e.g. Chiefs and pastors) to visitors
- Ensure detainees get remunerated (nominal but sufficient) for work in the centres that is revenue earning or cost-reducing, and that detainees declining to undertake this work does not affect detainees risk rating.

103. Overall, significant progress has been made to improve the conditions of the Correctional Centres since 2006. While an assessment against the United Nations Standard Minimum Rules for the Treatment of Prisoners shows that the Vanuatu Correctional Centres do not meet the requirements of every rule; important progress has been made especially since August 2009.

Rehabilitation

104. The initial Feasibility Study (2003) and the phase II Project Design Document (2006) highlight the intent and need for the VCSP to support the development of effective rehabilitation programmes focusing on priority needs. The cited benefits included contributing to rehabilitation and lowering security costs due to their lower risk profile. The needs and importance of such programmes were reiterated in stakeholder interviews during the evaluation, especially by ni-Vanuatu community members and senior Ministry and *DBKS* staff.

105. The interviews with *DBKS* staff, Correctional Centre Managers and Officers, and technical advisors provide an enthusiastic picture of getting as many activities and programmes underway as possible. The driving force appeared to be equally the value they will bring to detainees and creating the ability of the Centres to reduce their administration costs and, to a lesser extent, generating revenue. Programmes that have been delivered included woodwork, dressmaking, cooking, tending gardens, and spiritual instruction. A small number of one-off sessions were also provided in literacy and numeracy, domestic violence, and art. Luganville has been in a better position to provide programmes and activities over the last two years due to its more stable environment. Correctional Officers are now being recruited on their capacity to provide skill and education activities in addition to carrying out their correctional role.

106. The evaluation found that the activities undertaken so far have been valued by most of the people involved, but for different reasons. For example, detainees valued (open-ended survey responses) being kept busy and, at times, new skills obtained. The Correctional Officers also valued the skill and education enhancement opportunities for detainees, and saw the value in minimising administration costs. *DBKS* staff and Correctional Centre Managers place greater value on reducing costs and developing revenue opportunities. Community representatives also value this, but, placed equal weight on the importance of rehabilitation.
107. However, concerns were shared by community representatives and people facilitating or providing activities that activities were being represented as contributing to rehabilitation, and skill and education enhancement to a greater extent than they were. This included representing in parole reports attendance at a small number of sessions on domestic violence as evidence of progress towards rehabilitation from sexual offending against children. There is a reputational risk to *DBKS* and of valuable rehabilitation and skill/education enhancement activities of over-selling activities and programmes. It is important that they are represented for what they are and that there is clear differentiation in the purpose and benefits gained from different activities and programmes. Table 3 categorises and summarises the types of activities and programmes being undertaken and the Evaluation Team's assessment of their purpose.

Table 3: Detainee Programme and Activity Categories

Category & Status	Purpose	Comment
1. Rehabilitation programmes - Voluntary	Mitigate behaviour associated with criminal offending	Expert designed. None currently being offered
2. Skill and education programmes - Voluntary	Help detainees develop livelihood related skills/knowledge that will help them reintegrate	Detainees must be <u>continuously developing new</u> skills and knowledge. Religious education or spiritual guidance would come under this category
3. Information activities - Voluntary	Awareness raising about issues and activities	Could include information about community issues and issues related to offending or reintegration e.g. domestic violence or the law
4. Work activities - Voluntary	Activities to reduce the administration cost of the Centres and/or to earn revenue	Would include tending gardens that produce food supplementing for rations or being on-sold, production of goods sold in the market or for other commercial means
5. Work duties - Compulsory	Activities associated with maintaining the Centre environment	Would include cleaning sleeping accommodation, ablutions, the grounds etc.

108. There has been a clear expectation that (design or other documentation, stakeholder interviews) that the Project will lead to the development of effective

rehabilitation programme/s in priority areas. No programmes of this nature have been provided to Correctional Centre detainees so far. To date, the only related activity has been the production by a research report with the purpose of informing rehabilitation programme planning. The report was prepared (in-line) by a technical advisor and was completed in July 2009. The report described the nature and characteristics of sexual offending and identified some ways of dealing with sexual offending in the Vanuatu context. The report was submitted to the Director of *DBKS*, and was not accompanied by policy options or recommendations. No response has been received. While the report makes a useful contribution to starting the policy discussion about priority areas for rehabilitation work, the situation remains unclear as to when and what rehabilitation programmes were to be established.

109. The development of effective and priority-based rehabilitation programme/s should remain a priority under the VCSP. The detainee population is young (62 percent under 26), typically serving their first sentence in detention, don't have a criminal record, and plead guilty (96 percent of sexual offenders). In addition, given the nature of the offenses committed by detainees, and the likelihood of offenders re-entering the same community where offenses occurred, a focus on rehabilitation is important for the offender, the victims and communities—71 percent of convicted detainees committed sexual crimes, 22 percent of these were against children. As the research report rightly points out, there are many difficulties in developing and providing effective programmes in the areas likely to be a priority, for example, stopping sexual offending against children. Programme success is often dependent on context (adaptive quality), programmes design needs to be evidence-informed and expertly designed to be effective, and programmes need to target key attitudes or behaviour leading to offending.²⁶ Nevertheless, designing and delivering effective rehabilitation programmes must take priority within the Project.

Public Safety

110. Public safety is a key aspect of any correctional system. With a system involving incarceration, this requires the public to be kept safe during the completion of the term of detention and from released offenders. Important proxy measures for public safety include the number of escapes as it creates the propensity for offending, offending incidents while on sanctioned temporary release, and reoffending rates. Unfortunately, the Feasibility Study (2003), phase II Design Document, the 2006 Review, project reporting²⁷ and *DBKS* public reporting have all failed to provide any form of reliable information for any three of these proxy measures, either before the Project started or during.
111. The Evaluation sought to establish some preliminary information through triangulating different points of view and information for all three measures. This included not just using a variety of information sources but also comparing

²⁶ The Sexual Offenders: An Analysis of 50 Offenders and their Offenses research report (*DBKS*, 2009) note negative attitudes towards females and positive attitudes beliefs about the role of violence should be targeted.

²⁷ It is very surprising that the project reporting not provided consistent information on the number of escapes since 2006 given the Logframe requirement to do so.

responses of those responsible for the intervention (e.g. Correctional Centre Managers) with people working with victims of crime. While this was useful to gain perceptions of reoffending rates and offending while on temporary release, it proved particularly problematic with estimating actual number of escapes.

112. There is no reliable record of the number of Correctional Centre escapes before 2009. Data put together by personnel responsible for the Port Vila Centres before the project started suggests that there were 18 escapes during the three years before the project started, 11 during the *DBKS* establishment year (2004), and 22 during the first year the project was involved in running the Centres. While this data may suggest no immediate improvement from the project, the Vanuatu Mobile Force do not have a good track record (e.g. records disappearing in 2008; and see the Coroner's Report, 2009) of managing and presenting information objectively and the record keeping during the Police running of the Centres was not such that this information could be relied on in any way. It may have been possible to check the data against the Occurrence Book and Discipline Record; however, these records disappeared in mid-2008. All other Correctional Centre records prior to 2006 have also disappeared.
113. The only reliable data on escapes pertain to the most recent year, 2009, during which two detainees escaped from Centres in Port Vila²⁸ and three from Luganville. Information on the actual number of historical escapes from Interviews with senior Correctional Officers and Correctional Centre Managers provided such varied responses that it is not possible to estimate the number of escapes for any period. Interviews with a wide range of stakeholders, including those supporting victims, suggest that there was little or no improvement in reducing the number of escapes until 2009. More attention needed to be given to ensuring public safety to building strong public support for other aspects of the Project.
114. There were several high-profile escapes and offending on-release by detainees in early 2008. Speculation, likely to have been perpetrated if not fuelled by the members of the Vanuatu Mobile Force, that the security situation in centres and from escapees led to widespread misinterpretation that the security situation in centres was getting worse. This paved the way for Vanuatu Mobile Force personnel to be placed in the Correctional Centres and the appointment of an acting Director from the Vanuatu Police Force. The process and procedures introduced under the VCSP environment to improve security were suspended during this period in favour of intimidation and brutality: tactics that appear to have contributed to the burning of the Stade Correctional Centre and mass escapes in December 2008. The security situation appears to have improved during 2009, and particularly since the end of Vanuatu Police Force involvement. However, while positive, the years from one (particularly unusual) year do not constitute a trend nor indicate that security concerns are at an end.

²⁸ It is worth noting that both these escapees had been brutalised by the Vanuatu Mobile Force during an earlier recapture.

115. *DBKS* staff confidently told the Evaluation Team that released detainees rarely re-offend, suggesting that, on-average, there would be between one or two re-offenders each year. No data on re-offending is available. A wide-range of stakeholders interviewed including members of the judiciary, probation board members, academics, community justice supervisors, and those involved in the law and justice institutional strengthening projects supported the view that re-offending rates were low or very low. If this was true, then there would be no need to have rehabilitation programmes.
116. However, several factors point to some degree of reoffending. Representatives from women's groups and civil society organisation were more guarded with their responses stating that they'd like to think so but that they had concerns. They also pointed to a number of media reported incidents where escapees may have re-offended. Several key stakeholders most closely involved with practices of *kastom* suggested that communities were more likely to deal with re-offending through *kastom* practices so to minimise the impact on families and because often the initial sentence of detention was not expected or the impact on the family understood. While most offenses occur in the urban areas of Luganville and Port Vila (*DBKS*, 2009), it is not known what percentage of offenders return into the urban or rural communities, though interviews with parolees suggest that some may choose to return to their home village on release. While there is no Vanuatu-specific data or research available, some of the characteristics of the Vanuatu detainee population may be consistent with characteristics of lower-rates of re-offending. Corrections (NZ) research suggests the sex offenses particularly against children²⁹ and first time offending are associated with low rates of reoffending in the New Zealand system. Imprisonment of youth on the other hand can be linked to re-offending (any offense) (Department of Corrections, 2009)³⁰. These three characteristics are also feature strongly in the profile of the Vanuatu detainee population.
117. Evidence related to possible rates of re-offending in Vanuatu is too inconsistent to allow decisive conclusions. On balance, it is highly plausible that the re-offending rate is higher than is commonly believed in Vanuatu (and victims are being left vulnerable and unsupported). It is also plausible that if increased urbanisation is a factor in offending (stakeholder interviews; and *DBKS*, 2009) that may also be a factor in re-offending meaning that re-offending rates may rise in the future. It is essential that accurate data on re-offending is collected and used to inform key policy decisions related to use of different types of sentences, and detainee management options, and when considering whether to fund and design rehabilitation programmes. If the re-offending rate was one or two offenders a year, it would not be cost effective to fund any rehabilitation programmes, as they are unlikely to make a difference to the re-offending rate. However, in the situation of Vanuatu the Team believes that re-offending rates are likely to be significant (though possibly lower than in many countries), and

²⁹ It is unclear whether different types of offenses are more inclined to be reported.

³⁰ While the evaluation team is not suggesting the same determinants of reoffending in NZ apply in Vanuatu, it is useful to consider this evidence a long with other evidence in forming a theory on what may be occurring in Vanuatu.

specialised rehabilitation programme/s justified until research information proves otherwise.

Community-based Sentencing

118. The relevant sub-goals and objectives for phases two and three for the community-based sentencing component remained similar for the two phases (i.e. from March 2006 up to September 2009), with the only amendments (in mid-2007) being to shift emphasis from “establishing” to “strengthening the institutional capacity” of the services. The sub-goal from mid-2007 was expressed as “strengthening the institutional capacity of the Probation and Parole Services”. The two associated objectives remained pretty much the same except for the term “established” being removed from the second objective from mid-2007. The objectives were stated as to “develop an effective Probation Service within *DBKS*” and support “the operations of the Community Parole Boards”.
119. The program logic and matrix developed for this evaluation identified the key outcomes for the community-based sentencing component. The highest-level of outcomes identify the services role as providing a cost-effective alternative to custodial services. This is intended to be achieved through ensuring effective rehabilitation in the community and avoiding custodial requirements, as a product of offenders successfully completing their community-based sentence requirements. Successful sentence completion is achieved through appropriate supervision and Probation Officer support and procedural requirements. These outcomes can only be achieved if the community-based sentencing has clear and well-understood policies and procedures, with well-trained Probation Officers able to write clear, concise and evidence-informed reports (see Appendix Four, p.104).
120. The program logic and matrix identifies the intended effects of the intervention. A key element of this is country-led capacity development³¹ which is seen as the bedrock of development performance and a requirement for the success of this intervention. The intended outcome is therefore sustainable capacity which can be defined (see DAC, 2006: p.12) as “the ability of people, organisations and society ... to manage their affairs successfully”. It is therefore consistent with the original VCSP design and expectations of ni-Vanuatu officials that the VCSP is contributing to the ability of ni-Vanuatu staff in *DBKS* and the organisation as a whole to manage and govern a successful correctional service organisation without on-going external support. It is important to note that all ni-Vanuatu officials were consistent in re-enforcing the expectation that external support reduce overtime and would eventually be withdrawn.

Establishing the Service

121. Community-based sentencing has been set-up and running since 2007. During the three years, the number of community-based sentences handed down has

³¹ The term capacity development is preferred over capacity building, due to possible connotations the word “building” has with blue-print design, whereas, development suggests a dynamic and non-linear process.

progressively increased until, at the time of the evaluation there were 253 offenders undertaking sentences. This represents 58 percent of all offenders completing sentences of any type at the time of the evaluation. The majority of offenders completing these sentences were on probation (47 percent), more-a-less followed by an even split between and supervision (27 percent) and community work (26 percent). Prior to the services being introduced, detainees had fewer rights with regard to early release, and a significant number had served over half their sentence.

122. To an extent, the rapid increase in community-based sentences can be explained by newly established rights when it was introduced. Detainees who had served over half of their sentence have the right to apply to the new parole boards for early release, with many being assessed as being low-enough risk for release³². A *DBKS* report identified that 65 percent of parole board applications since the start of 2007 had been granted release (*DBKS*, 2009). However, it is clear that the increase in community-based sentences is also due to the suitability of the other sentencing options. One hundred and thirty nine offenders are currently undertaking supervision and/or these sentences assigned by the courts, showing a reasonable level of acceptance of the sentences and confidence in the systems that have been put in-place. Interviews with members of the judiciary and parole boards supported this finding. While there appears to be differences in the distribution of these types of sentences across the different island groups, the data currently available doesn't allow for conclusions to be drawn. Interviews with technical advisors suggested that the judiciary in some areas were taking longer to recognise the benefits of the system; however, this was changing and support was now well-spread.
123. Interviews with community stakeholders and community justice supervisors all expressed confidence in community-based sentencing and support for the approach. Guarded support was expressed by groups supporting victims and who had been vocal in 2008 over slow reform of the Correctional Centres. The views recognised the offending individuals as being worthwhile community members who needed to change their behaviour and to build a worthwhile future for their family and communities. Community-based sentences were an opportunity for them to give back to the community, while supporting (often) their families. Having the ability to support their families was expressed by many ni-Vanuatu people as being a very important benefit of community-based sentences i.e. "not making the family a victim as well". Offenders also considered community-based sentences to be beneficial with 93 percent considering that the sentences helped them to avoid criminal offending due to the influence of being in their communities and with their family. Several offenders noted that undertaking this type of sentence was harder due to the work they were doing for the community, but they appreciated the opportunity to give back for their previous offending.

³² Detainees serving less than one year are automatically released after completing half of their sentence unless disciplinary problems have occurred

124. Stakeholders interviewed said that community-based sentencing was working well and was a success. Moreover, they identified that the main reason for this was that key features of the approach aligned well with *kastom* and Vanuatu society. Much of the success can be attributed to alignment with cultural norms and systems, including the involvement of community (and family) in decision-making and behaviour modification. This has also provided a solid foundation for the sustainability. The acceptance and building understanding of the approach provides a foundation that will help to ensure that the outcomes are continued as technical advisory is reduced.

Organisational and Staff Capability

125. Community-based sentencing was set up from the start of 2007 requiring the development of new facilities, employment of *probesen* staff, and the development of new systems, processes and procedures. Offenders undertaking community-based sentences often return to their originating communities and are therefore spread through the six provinces and 107 islands of Vanuatu. This presents challenges in how to use resources efficiently while ensuring continuity of services, community involvement, and the successful completion of sentences.

126. Setting up the services has involved a staged roll-out. The first office for *probesen* staff was established as fit-for-purpose office in Port Vila (later it became an integrate office with Corporate), covering the SHEFA Province. In 2008 an office for the SANMA Province was established in Luganville (also covering TORBA), and later that year one-person offices were established for PENAMA and TAFEA provinces in Pentecost and Tanna, respectively. In 2009 the Pentecost office was closed down due to a small caseload and, in late 2009, a new office for MALAMPA Province was opened in Malekula. There are now six *Probesen* Officers working out of the Port Vila office, five from the Luganville office, and one each out of Malekula and Tanna.

127. In the absence of *probesen* staff local Vanuatu Police Force staff sign-in offenders, and intermittent *probesen* visits are made as budgets allow. As offender numbers in the provinces are likely to vary considerably as a result of group offending and sentencing patterns, the logistics and efficiency of provincial offices will remain an ongoing challenge for community-based sentencing management. Care should be taken not to create increased and unnecessary complexity by opening offices without established on-going needs.

128. The judiciary and parole boards are key customers of the *probesen* staff. Their confidence in the efficacy of community-based sentences, and in parole, sentencing and compensation reports are all critical in the continued functioning of community-based sentencing, including building community support. The judiciary are clearly increasingly seeing the value of community-based sentences for lower-level offending and are increasingly passing down these sentences (interviews with judicial members, *Probesen* Officers and technical advisors). Judicial and parole board members said that they are satisfied with the reports they are now receiving from the *probesen* staff, that

these have improved progressively over time, are now more evidence-based, and recommendations can be relied upon (three interviewees). While room for improvement and greater consistency were identified, they found the reports to be helpful and fit-for-purpose.

129. In 2007, a community-based sentencing Operational Manual was established and checklists for monitoring and managing service standards were introduced in 2008. Reports are peer-reviewed and the Senior *Probesen* Officers assesses a sample of the reports for performance management development purposes. Most *Probesen* Officers have received on the job training in Port Vila prior to the opening of the provincial offices. Two *Probesen* Officers have been sent to New Zealand for two-month trainings by the Department of Corrections (NZ). A *probesen* staff conference was held in Port Vila during 2009 with the purpose of identifying opportunities to further develop the services (and gaining commitment). Two *Probesen* Officers identified the Conference as being valuable, particularly being able to discuss different approaches by Officers and they felt their input was valued and influential. The evaluation Team was struck by the energy, commitment, and intelligence of the *Probesen* Officers, including Senior Officers, often in the unfortunate absence of a *Probesen* manager.
130. The survey of offenders showed that offenders particularly liked the advice they received about training, education and work opportunity from *Probesen* Officers (70 percent). Most (67 percent) of the offenders considering that the *Probesen* Officer treated them fairly, with just under a half of offenders considering that the *Probesen* Officers understood their needs (47 percent). The most common reason cited for not treating them fairly was inflexibility in changing obligations (lack of understanding of the process) and the most common reason for not understanding their needs was that the offender wanted more training, education and/or employment opportunities.
131. *Probesen* Officers, including Senior Officers, are developing into their roles well. However, there is room for increased consistency and compliance with operational procedures, especially when responding to offender non-compliance. Four important factors seem to have helped progress. Firstly, the products appear to have been developed with more consultation with staff and key stakeholders, and this appears to have built support and, to some extent, shaped the content. Secondly, *probesen* is a new function and does not carry a history and cultural aspects like the correctional centres. Thirdly, while some products appear to have been developed under an in-line advisory approach, many of the *Probesen* Officers appear young and may be more receptive to adopting more abstract content. Finally, and most importantly, the community-based sentencing approaches is more closely aligned to the *kastom* systems in that they place greater responsibility on community involvement in problems and solutions, are more aligned to restorative justice approach, and they value the role of reciprocity in seeking resolution. This third factor was repeatedly referred to by ni-Vanuatu stakeholders as a key reason why community-based sentencing has been implemented quickly and successfully.

132. As identified for the Correctional Centres, the *probesen* technical advisors are not intended to provide on-going in-line support but to facilitate change that enables the Government of Vanuatu to progressively take over the full governance and management of the *probesen* system. The *probesen* technical advisors are working in offices without managers or with acting managers for extended periods (e.g. Luganville), and with staff who are quickly gaining in confidence and ability but are inexperienced. For this reason, at times, technical advisors have been 'pushed' by staff into leadership-type roles and have, at times, been undertaking in-line functions that could be done by ni-Vanuatu staff (technical advisor and *Probesen* Officer interviews, and observations).
133. Given the considerable progress of community-based sentencing, training provided, and ownership and commitment shown by the staff, the level of technical advisory support should be reduced and greater ni-Vanuatu responsibility and ownership encouraged. The further appointment of a *probesen* technical advisor to Luganville would be unnecessary and possibly counter-productive. The *DBKS* needs to appoint an acting and permanent Manager to the Office, and given the progress of the Senior *Probesen* Officers, as well as other experienced staff in the office, this office should be self-sustaining. It would be natural for performance to decrease to a small degree in the short-term, regular (quarterly) support and visits from a *probesen* technical advisor based in Port Vila with national responsibilities, should ensure the sustainability. This level of support should also be able to be decreased after the end of 2010 to a part-time advisory role (possibly less than 50 EFTE).

Sentence Compliance

134. Identifying to what degree offenders comply with sentence requirements and conditions was an important area of enquiry for this evaluation. One of the reasons it is particularly important is that public support would erode if the sentences were seen to be meaningless. Evidence of compliance was collected from the survey of offenders and interviews with community justice supervisors, *Probesen* Officers, technical advisors and community representatives. Views were also collected from judiciary and parole board members as it's important that they have confidence in the community-based sentencing given their role in the judicial process.
135. As would be expected almost all (one exception) offenders considered that they complied with their obligations. When their knowledge of the specific requirements was questioned the majority (83 percent) were sufficiently clear about what was required of them. Four offenders appeared less clear. These findings (knowledge and compliance) were borne out by those interviewed as well. Community justice supervisors, and to a greater degree *Probesen* Officers, identified that on occasions offenders needed to be reminded of their obligations, and four or five had had to be reminded with formal warnings. Two offenders had not eventually been charged with non-compliance and had re-appeared in court as a result. The survey also showed that offenders were generally (66 percent) aware of the likely consequence of not meeting their obligations, including formal warnings and re-appearing in court. However, one

in four offenders (24 percent) was not clear, and *probesen* staff should ensure that robust systems are in-place to ensure that obligations are clear. It is also worth noting that during the survey (open-ended questions) several offenders had appeared to be unclear about the process for getting obligations changed, including discussing it with the *Probesen* Officer and application to the court. In some of these situations, opportunities for worthwhile training and education opportunities may have been lost.

136. This includes community work which involves undertaking work agreed between the community justice supervisor and the *Probesen* Officer. The evaluation Team was interested to establish whether this work was being undertaken for the benefit of the community, individuals within the community or the individual offender themselves. The evaluation team was shown some of the work that had been undertaken by offenders, and this appeared to be substantial and meaningful, other information was gained through the offender survey. Twelve of the 14 offenders in the sample undertaking community work were clearly doing work for the benefit of the wider community, including cleaning and repairing community facilities (buildings, roads, cementers), or tending community (not family) gardens. Two offenders were undertaking activities that could be interpreted as being for personal gain, with one offenders building a house in Port Vila for the village chief and the other developing a commercial crop in his family gardens. Other instances were brought to the Team's attention when the work was for the community but individuals were already employed to do this work, meaning that the employees sat and watched. The offenders were rightly concerned at the lack of community benefit from this duplication, and had asked to undertake other work that involved building footpaths for safe night-time travel by neighbourhood children. This request was surprisingly declined.

137. Considering all the available evidence, the Evaluation Team is confident that almost all offenders meet their obligations as required at sentencing. Generally, offenders appear positive about the work and undertake it constructively, as they appreciate the opportunity to give back to the community. Moreover, the Evaluation Team found that almost all the community work is being undertaken for the community, with only a few exceptions. *Probesen* Officers will, however, need to ensure that the community is the beneficiary of the work and that the work aligns with community priorities.

Safety and Re-offending

138. Data on criminal offending while either undertaking or after completing a community-based sentence is not available. This information (as with similar information from Correctional Centres) is critical (along with other well-thought-out indicators) to signalling how well the VCSP is progressing. It is important that this sort of information is available if MFAT (Development) (and *DBKS*) are to meet their mutual accountability reporting requirements and for developing public support. The absence of systematically collected data meant that the Evaluation needed to triangulate a range of stakeholder views on re-offending. This section examines whether *probesen* work is making a contribution to

limiting re-offending and whether there are offenders doing community-based sentences are being kept safe.

139. The range of Interviews showed a reasonably consistent view that re-offending rates were low. Interviewees (including community justice supervisors and *probesen* officers) did identify a small number of incidents where offenders had re-offended. Incidents where offenders had broken the conditions or requirements of their sentence, and had re-appeared in court, were also identified. Four parolees in the first two years of operation had been returned to Correctional Centres (DBKS, 2009). Community organisations supported the view that the community-based sentencing approach was working well overall; however, they were concerned about sex offenders being released on parole (as opposed to supervision or community work) into the same communities where victims were residing. They were also concerned that reoffending would not be reported due to the potential impact on the livelihood of the family. While these organisations generally thought that reoffending rates were low, they were of the view that it was occurring at a higher rate than other stakeholders believed. During two interviews community organisations made general reference to incidents of sexual re-offending that authorities (in their view) were not aware³³. It is not possible to form a view on the reliability of this specific information. While the evaluation found isolated incidents of repeat offending of the same or similar levels of crime, there was no evidence of criminal escalation in the re-offending, for example, crimes against property followed by violent offending.
140. Based on this body of evidence, reoffending rates (parolees, community work, supervision) are likely to be low by international standards. However, as noted earlier with regard to released detainees, it is likely that re-offending rates is higher than is believed in Vanuatu³⁴. This finding must be kept in perspective. The programmes to help with re-integration in the correctional centres have only been going for a short time and rehabilitation programmes are yet to start. These are likely to be more influential in changing behaviour than the work of *probesen* officers. Nevertheless, *probesen* officers have an important role to play in supporting offenders not just to undertake their court imposed requirement but also in establishing re-integration activities. The survey of offenders doing community-based sentences showed that over two thirds offenders considered that the *probesen* officers were helping them access skill and knowledge opportunities and that they were treated fairly. This finding shows that the officers are working effectively and the services supporting these offenders have advanced beyond the initial project expectations. It also suggests that, coupled with responses to offenders to open-ended questions, further development of skills and knowledge opportunities would be positive for offender re-integration and for, possibly, reducing reoffending.
141. In addition to public safety (re-offending), offender safety was also considered during the Evaluation. Offenders undertaking community-based sentences

³³ For ethical reasons the evaluator encouraged the interviewee to notify the authorities to ensure the safety potential victims. No specific details were shared that would enable the evaluator to act in the protection of any persons.

³⁴ It would be advantageous for some robust and independent research to be undertaken in this area.

were surveyed about their experiences with Police harassment, and to what degree they felt safe when dealing with the Police and when making a complaint about the Police. Ninety four percent of offenders identified that they did not experience Police harassment since starting their sentences. A similar percentage (90 percent) said that they felt safe from the Police. The survey, and open-ended responses (offenders were asked about incidents involving the Police), suggested that offenders undertaking community-based sentences are not targeted with unfair Police interested or experience Police violence.

142. In summary, the community-based sentencing system appears to be working well to support successful integration and mitigate re-offending, and to ensure offender safety. Concern by community organisations about the placement of paroles in communities should be addressed by keeping these organisations informed on the processes that are in-place and ensuring that these processes are maintained and are work effectively. The *probesen* staff have actively created skill and education opportunities for offenders and this work should continue and expand as resourcing allows.

Programmes and Training

143. *Probesen* staff have facilitated the availability of a small range of ‘programmes’ for offenders undertaking community-based sentences. These ‘programmes’ are only available through Wan Smolbag Youth Centre, are only therefore available to offenders in Port Vila. The programmes’ are associated with social inclusion, and included activities (e.g. sport) and non-formal education in nutrition, cooking, computing, sewing, life skills and literacy skills, and a programme aimed at reducing the likelihood of negative attitudes to women, sex offending and domestic violence.
144. Past MFAT (Development) and AusAID reviews of Wan Smolbag, nor Wan Smolbag reporting itself, have provided useful information on the efficacy of these services for young people in general nor for criminal offenders. Interviews with stakeholders provided a range of useful views on the activities/programmes, including *DBKS* staff views’ tended to support the decision to use these services, and community stakeholders questioning the extent to which these activities/programmes could modify behaviour. By far the most revealing information came from offenders themselves. All but one offender said that these activities/programmes provided no value in modifying their behaviour when responding to the open questions in the survey. Tellingly, the reasons given were that the counselling and skill related activities were superficial, with both the facilitators turning up intermittently. Several offenders identified that they just showed-up, and signed-in and then left without undertaking the sessions. Five offenders suggested that attending Wan Smolbag got in the way of more valuable reintegration activities including paid work and undertaking training. All offenders living in outside central Port Vila commented that the transport costs incurred in attending was difficult to afford. Only one offender supported attending the centre as he enjoyed the social environment.

145. Given these findings, there is little value in offenders undertaking community-based sentences being required to attend Wan Smolbag Youth Centre activities/programmes at present. There appear to be no positive outcomes associated with attending and there are individual costs for the individual, including undertaking more constructive activities. Until *DBKS* can show evidence that these activities/programmes can lead to outcomes associated with positive behaviour changes and re-integration, then there is no evidence-base for promoting the use of this service. The concern of community groups working with victims that attendance at these sorts of activities are being used in probation reports to support recommendations of early release appear justified. Probation reports are meant to be evidence-based, and there appears to be no evidence to support the conclusion that these activities/programmes led to suitability for release.
146. The low rate of re-offending by those who are undertaking supervision or community work suggests that developing and implementing structured programmes for these offenders would have a marginal affect on re-offending rates and would therefore not be value for money. However, like other Vanuatu youth, especially those moving into urban areas, offenders would benefit from training and education opportunities that can lead to work opportunities. Just under half of the offenders surveyed identified that they want more of these opportunities, and that this would help them build towards a constructive future. The Team was very encouraged by their enthusiasm for such constructive activities and the commitment of *probesen* staff to create these activities. A recent and successful example includes the Luganville *probesen* staff arranging for 20 fully-funded places on a Marine Training Course. This is an employment sector with considerable potential in Vanuatu and in Espiritu Santo.
147. Other similar opportunities might be established through building ties with the Rural Training Centres and the AusAID-funded Technical and Vocation Education Training programme³⁵ which is in an early stage in Vanuatu. Rural Training Centres are in various locations around Vanuatu, as will the TVET training centres. The latter funds training opportunities linked to actual and prearranged employment opportunities, which could be particularly valuable to detainees once released. Another opportunity may exist with Wan Smolbag if they develop formal education and training courses and qualifications (interview with WSB) as they currently intend. Provided the education or training is registered with the Vanuatu National Training Council, and the skills relevant to offenders' employability (e.g. literacy and numeracy), then this training or education may be valuable to offenders.

³⁵ Note that a High School completing certificate is required for enrolment and this is likely to be a barrier for most offenders.

VALUE FOR MONEY

148. The Evaluation Team was asked to determine whether the same level of outcomes could have been achieved at less cost. This requires assessing for cost savings, then assessing the likely affect on outcomes, before judging value for money. The level of achieved outcomes was assessed under the Effectiveness and Sustainability section (see p. 25) and these findings form the benchmark for outcomes. Potentials for cost savings were considered by assessing the actual and planned expenditure records (as at 21 September 2009), itemised funding agreements, and funding memorandums and associated variations (between January 2006 and 18 September 2009).
149. To the end of June 2009, NZAID Programme spent for the VCSP had reached just over \$NZ7.2 million dollars and spending an additional \$NZ3.2 million is expected to be incurred in this financial year. Indicative spending to the middle of 2012 takes the overall spend on the Project to just under \$NZ 17.7 million for the nine year period (see Table 9, p.144). Up to the start of this financial year, just over 2 percent of the expenditure has gone into design, almost a half (48.1 percent) on technical advisors and their associated costs, and about the same (49.6 percent) on supporting the business plan. The major cost item this year and over the next two years is funding the construction of the new Port Vila Correctional Centre for which \$NZ6.0 million (57 percent) is set aside. The most relevant costs for assessing value for money is the past expenditure for supporting the business plan and the cost of the technical advisors, and not future expenditure as these future outcomes are not known and cannot be compared.
150. The majority of business plan³⁶ support was for grant funding (86 percent). Expenditure was for lifting the standard, including security, of the temporary correctional facilities in Port Vila and Luganville; rental and establishment costs (copiers, computers, software, furniture, whiteboards, data projectors) for the *Dipatmen*. Expenditure also included training and personal development costs for *DBKS* staff includes to visits and training in New Zealand with the Department of Corrections (NZ). Interviews identified that the work on the temporary correctional centres was funded on a 'minimal amount' basis as these facilities would not house detainees once the new Port Vila Correctional Centre was completed (initially anticipated as the end of 2008) and the medium-long term tenure of the Luganville Correctional Centre was uncertain as it was on loan from the Vanuatu National Police.

³⁶ Some of the expenditure items identified in the next few paragraphs and associated with business plan will also be associated with technical advisors' work. However, the value for money of technical advisors has been considered by look explicitly at their secondment costs (daily rate and per diems) this is more relevant to considering the opportunity cost of employing a contracting for similar advisory functions.

151. Four variations (LOV) occurred to the end of 2009 (see Table 4, p.54). The first two variations were either for increasing expenditure on items already identified under the original funding arrangement or for new activities, for example, funding a training consultant and a training and communications officer, emergency response equipment, additional vehicles, uniforms and wet weather clothing for correctional centre staff, relocating the kitchen at the temporary correctional centre in Port Vila, and improving the accommodation and kitchen at Luganville Correctional Centre (plus gardening tools). The need for these changes reflects the reality of implementation whereby a greater understanding of what is needed occurs during the early stage of implementation. With this in-mind, under these two variations expenditure appears responsible, relevant and with sufficient controls. The only areas that stood-out were the establishing a legislative library when all Vanuatu legislation is available on-line and the separate funding requests (three under all variations) for supporting the development of the database given the level of progress to-date.
152. Variation three (May 2008) was to cover the cost of extending phase II (labelled phase III in the LOV) due to delays in securing the land and progress problems. This included prolonging the operation (including security) of the temporary correctional facilities and extra support for correctional officers. Support for the *probesen* services also featured and included training for the Parole Boards, training and a forum for Community Justice Supervisors, and more work on the manual. The extra expenditure incurred due to the delays in building the new Port Vila Correctional Centre cannot be counted against the project when assessing value for money as they were outside the responsibility of the Project (VanGov responsibility). The extra expenditure on *probesen* services appears relevant and has made a justifiable contribution to achieving good to exceptional outcomes. The Relevance section of this report discusses priorities and suggests that expected and important progress was not achieved in key aspects of reforming the correctional centres up to mid-2008. While the extra expenditure on *probesen* was clearly value for money, this does not mean that prioritising expenditure to further improve, in particular, the operations of the correctional centres won't not have lead to increased overall value for money at the Project goal-level.
153. Increased prioritisation of correctional centre reform was reflected in the fourth variation which occurred after the burning and escapes from the Stade Correctional Centre in December 2008 (see Table 4, p.54). Funding under this variation, which was slightly more than to the original grant funding agreement, included repairing and increasing security at Stade, establishing a temporary secure unit and accommodation, increasing security and doing maintenance at the Ex-British Correctional Centre, refurbishing the Women's Centre, and maintaining to the Luganville Correctional Centre. Though the expenditure for the Luganville Centre was not associated with the events at Stade, the expenditure appears consistent with continued maintenance (and development) required for a well-functioning correctional centre. The expenditure for Stade, Ex-British, and temporary facilities appear reasonable given the emergency requirements at the time, and investments appear aligned to supporting the short and medium term outcomes that were achieved, therefore providing reasonable to value for money.

154. Overall spending to support the business plan is assessed as being of good value for the support of the community-based sentencing work, and reasonable value in support of both corporate services and correctional centres³⁷. It should be noted that funding *probesen* services (office and equipment, furnishings, vehicles) in the provincial centres is a particular sensitive area given the fluctuating and often low number of offenders undertaking community-based sentences. The number of offenders is difficult to forecast as it is influenced by parole releases, the nature of offending at the time, and the propensity of the judiciary to impose community-based sentences. While the *Probesen* Officers are increasingly undertake community awareness work, fluctuations in offender numbers could deem VCSP spending in some provincial centres of lower value for money. Care will need to be taken when making decisions under the Project in the future.

Table 4: Funding Variations³⁸

Original Grant Funding	VT 40,000,000	\$NZ 615,385
Additional Grant Funding LOV1	VT 22,652,940	\$NZ 348,507
Additional Grant Funding LOV2	VT 34,965,000	\$NZ 537,923
Additional Grant Funding LOV3	VT 124,890,800	\$NZ 1,921,397
Additional Grant Funding LOV4	VT 44,452,484	\$NZ 683,884

155. More than \$NZ5.1million will have been spent on technical advisors by the middle of 2010, and over \$NZ6.3million will have been spent by the middle of 2012 (see Table 9, p.144). The last two financial years (2008-2012) has seen the highest level of expenditure on advisors and reflects the security problems in the correctional centres. Technical advisory cost are set to drop from almost \$NZ1.5 million in 2009-2010 (six advisors) to \$NZ0.7 and \$NZ0.5million per year for each of the next two years. Advisor expenditure from July 2004 to June 2008 was mainly to support the development of community-based sentencing, with corporate office advisors also supporting organisational development and the work in the correctional centre centres.

156. From a financial perspective, two contracting options (with possible permutations) were possible for funding technical advisors for this work: option one. seconding Department of Corrections (NZ) staff, and/or option two. contracting from the open market. Under option one, the technical advisor is paid equivalent to their salary plus allowances, and option two they are contracted at an agreed fee rate. The fee rate is set by negotiation but is calculated by the contractor to include both salary and the allowances like under option one. Family members are funded under option one for longer periods of secondment, and are often included in fee rates under option two

³⁷ Although outcomes were less than intended for these functions, this was reflected in the investment.

³⁸ New Zealand dollar calculations are based on VT65/\$NZ1.

also. The only significant financial difference is that candidates that include family costs in their fee rates may be overlooked for a candidate with lower fees, and this wouldn't be the case for a secondment. Even under the fees option (option two), families would be more likely to be funded for longer assignments.

157. Most of the technical advisor roles were filled through secondments from the Department of Corrections (NZ) and they were agreed for significant periods of time (six months or more). Several seconded staff brought families, including two with three children and partners. While it is likely to have significantly increased the cost, over contracting a technical advisor for a fee rate (option two), the following factors need to be considered: contractors under fee rates would probably have included family costs into their rate given the length of time; and, once settled, these secondments stayed for longer periods; longer secondments retained institutional knowledge, build on already established trust and relationships, and allow for greater cultural understanding (ni-Vanuatu stakeholders, DBKS staff, and technical advisor interviews, AusAID Drivers of Change report). While fee rate advisors were used, this was only a small proportion of the overall technical advisor costs. It isn't clear that cost savings could have been achieved from advisors contracted at fee rates, rather than seconding staff from the Department of Corrections (NZ), and using fee rate contractors is likely to have led to less outcomes.
158. As discussed earlier in this report, *probesen* services has progressed well and has achieved or exceeded the expected level of outcomes. While it isn't possible to determine the *pro rata* investment of technical advice to community-based sentencing, corporate services or correctional centres, it is like that over 50 percent of advisory time and possibly less than 50 percent of technical advisory cost was invested in this work (lower salaries). While some opportunities of building individual capacity were lost (in-line working), this advisory support provided value for money. Fewer outcomes have been achieved in corporate services, with much fewer being achieved in the correctional centres, the former providing reasonable value for money from advisory support.
159. Overall, the Evaluation Team assesses the Project as providing moderate³⁹ value for money. The factors detracting from value for money are summarised as: insufficient ni-Vanuatu counter-parts in-place, and the Project's priorities not sufficiently recognising the importance of outcomes in the correctional centres.

³⁹ That is, not high and not low, but moderate (equivalent to medium).

CONCLUSIONS AND RECOMMENDATIONS

Community-based Sentencing

160. Community-based sentencing has been built up over the four-year period, with 58 percent of the sentences being undertaken at the time of the evaluation being community-based (238 / 439). The community-based sentences were being completed in-line with court requests and offenders were benefiting from the guidance of their communities and families. Offenders were generally highly motivated and were enthusiastic about their futures and for *Probesen* Officers to create more employment, education and training opportunities. Notably, the Luganville *probesen* staff have recently arranged fully-funded TVET training for 20 offenders. Re-offending rates appear low and community and judiciary confidence in the services is developing well. The parole boards and judiciary identified that the *probesen* reports had improved and were now helpful and could be relied upon.
161. As with any new service, there are some key areas where community-based sentencing could continue to develop with the assistance of the VCSP. This includes increasing the communities' awareness of the role and benefit of community-based sentences, strengthening processes for the release of sex offenders, ensuring reports accurately reflect the rehabilitation value of programmes and activities, and continuing to develop re/integration opportunities for offenders.
162. While the Evaluation Team was impressed at how knowledgeable the general community was about the VCSP (anecdotal information), negative and damaging information over the last 18 months about the *DBKS* from the media and publicised by a Port Vila interest group highlights the importance of continued public relations work. There would be considerable value in *probesen* staff, along with *DBKS* representatives, strengthening work to ensure that the media and the public understand the role and process of community-based sentences, and the benefits to both the community and offender.
163. Community groups expressed concerns that released sex offenders were returning to communities and households where they had access to victims and other vulnerable people. These are significant concerns and the *Dipatmen* should ensure that they have procedures in-place to ensure that sex offenders are not released into residential circumstances where they are alone with victims or other vulnerable persons. This should be imposed while offenders are completing their sentences and therefore under the responsibility of the *Probesen* Officers. The *Dipatmen* is unlikely to have the right to impose restrictions on individuals who've completed their sentences. Community groups also, rightly, questioned the value of some programmes cited in parole reports as being evidence of rehabilitation. At most, these activities showed

compliance. *Probesen* staff should ensure that the true likely value of activities and programmes are accurately portrayed in all *probesen* reports.

164. The success of community-based sentencing should be credited to the passion and dedication of the *DBKS* staff that have been involved, and the support of the technical advisors. However, the close alignment with *kastom* practices has been a significant enabling factor as the Community-based sentencing model builds on community traditions and strengthens. This also highlights the important lesson that future development of community-based sentencing, Correctional Centres and Corporate Services should adopt significant degrees of quality adaptation to ensure that *kastom* and other local practices are strategically incorporated into design and implementation.
165. The continued and sustained development of community-based sentencing is dependent on a stronger demonstration of ownership and commitment from the VanGov. Key manager positions have been left vacant, meaning that past technical advisory support has, to some degree, taken on more in-line responsibility than was intended or is aligned with good practice. It is critical to community-based sentencing that these roles be filled with permanent and able ni-Vanuatu staff. The signed memorandum of understanding between Vanuatu and New Zealand rightly highlights the importance of this, and represents an agreement that this will occur. MFAT (Development) needs to be vigilant of this risk and active when either side is not fulfilling the agreement. If these conditions are met and ni-Vanuatu senior *Probesen* Officers continue to develop as they are, then there can be a step reduction in technical advisory support. The evaluation team supports the reduction of *probesen* advisors to one position and for this role to be centralised in Port Vila. Regular (at least quarterly) visits to Luganville and periodic visits to other one-person provincial posts would be essential. After 12-months, this technical advisor resource should be reviewed with a view to a further reduction to 0.5 and then 0.25 of a position over one and two years, respectively, and then full withdrawal.

Correctional Centre Reform

166. The reform of the Correctional Centres has not progressed as expected and is about two years behind schedule. The land for the new Port Vila Correctional Centre was not secured by *DBKS* officials within the expected time period and building is yet to begin. Ni-Vanuatu stakeholders acknowledged the responsibility of ni-Vanuatu officials for this and no criticism was aimed at the technical advisors during the evaluation. The evaluation team raises questions whether MFAT (Development) made their concerns about delays sufficiently known to VanGov to encourage progress. While the land is now under tender, it will be important for MFAT (Development) to remain vigilant of key construction milestones and to be ready to engage to ensure any barriers or obstacles to its timely completion are addressed through partnership.
167. The project design expected that temporary and suitable correctional centres would be established in the interim prior to the new Port Vila Correctional Centre being completed. These Centres were set up and the infrastructure

modified i.e. minimum sufficient changes. This ensured that, in the most part, humane conditions of detainment were established.

168. Training and introducing new process to help improve security and safety was de-prioritised awaiting the construction of the new Centre. Between 2006 and mid-2008 escapes continued as before. In reaction to violent offending of escaped detainees, the media spurred the public to question the creditability of Project, including the degree to which the *DBKS* could keep the community safe from detainees. This situation was compounded by the repeated delay in starting the construction of the new Port Vila Correctional Centre. The Minister's response of involving the Vanuatu Mobile Force in the Correctional Centres from mid-2008 to August 2009, and the subsequent response by Stade Correctional Centre detainees to mistreatment were events that would have most probably been avoided had the security and safety of temporary Correctional Centres been adequately addressed prior to mid-2008.
169. The involvement of the Vanuatu Mobile Force in the Correctional Centre for nearly 18 months was damaging for the reform process. The value of the new correctional approach and selective processes introduced were all undermined, as was *DBKS* leadership and Centre management. No safe-guards have been introduced to stop the damaging aspects of Vanuatu Mobile Force involvements from happening again. A memorandum of understanding between the VNP and *DBKS* should be considered to ensure that Vanuatu Mobile Force (or VNP) staff operating as Correctional Officers have line accountabilities to Correctional Centre managers and senior staff, and specifying that they will operate in accordance of *DBKS* policy and processes. Moreover, the Vanuatu Mobile Force staff should be required to sign a contract re-enforcing these responsibilities prior to becoming sworn correctional officers.
170. The VCSP had to rebuild the Correctional Centre component of the Project from mid-2009. There has been a significant push to strengthen Correctional Centre processes and procedures, and individual capacity of Correctional Officers since August 2009. Many new processes have been introduced and officers trained. These new processes and procedures are seen as "New Zealand's" and lack ni-Vanuatu ownerships and commitment and are unlikely to lead to the sustained outcomes required. These processes and procedures need to be re-worked in partnership with senior ni-Vanuatu correctional centre staff to ensure that they reflect local conditions, *kastom*, and local practices. Moreover, the pace-of-change has been challenging to staff and there would be considerable benefit in focusing on the critical few requirements and ensuring that they are well-embedded and owned. Future training material development and training delivery should be led by senior ni-Vanuatu Correction Officers to ensure trainer capacity is being developed for the future.
171. The rights of detainees to internal and external complaint mechanisms are not being met. The internal complaints process is not working as it should with detainees being afraid to make complaints and complaints often not been addressed formally. Attention needs to be given to ensuring that the complaints process is fair and effective, and seen by detainees and Centre staff as credible. The external option for detainees has been, in effect, in abeyance

for the last few years and is not currently seen as a viable option for detainees. The Republic of Vanuatu Office of the Ombudsman is still the best option for providing external recourse and should be encouraged to develop more of an understanding of the *DBKS* and to lift their profile in Correctional Centres and in community-based sentencing. This should include regularly scheduled visits to Correctional Centres to discuss the role of the Office with detainees and to post publicity in the Centres.

172. Rehabilitation programmes are yet to be established in the Correctional Centres and have the capacity to make a significant contribution to reducing re-offending. There was a clear expectation that significant rehabilitation programmes, as opposed to activities and work-related training, would be underway by the time of this evaluation. Some preliminary descriptive information has been generated to promote discussion about priority areas for programme/s. While this is a start, and it would not have been possible to progress programme development between mid-2008 and August 2009, sufficient attention and technical advisory support now needs to be given to put effective and culturally specific programme/s in place.
173. The Correctional Centres, particularly Luganville, have been very active over the last 18 months in developing activities for detainees. It's important that where these activities are revenue generating or subsidise the administration costs of the centres that the detainees receive a small but meaningful payment for their labour. This is important for ensuring that detainees do not feel exploited and that the arrangement isn't misinterpreted. Where activities are targeting skill development, it is important that these activities/programmes provide on-going skill and education development opportunities.

Corporate Services

174. The *Dipatmen blong Koreksonal Sevis* was established under phase I and came into operation from 1 January 2006 under phase II of this VCSP. This expanded role included a policy function and operating community-based sentencing. The establishment of the *Dipatmen* contributed to greater stability and increased VanGov funding for correctional work between 2006 and the end of 2009. This has made a significant contribution to resourcing aspects of the *Dipatmen*; however, the suggested overall structure for the *Dipatmen* remains under-funded. The budgetary increase in early 2009 assisted in filling temporary correctional centre staff positions; however, these positions are not yet secured and Corporate Office staffing remains under-resourced.
175. The stability and extra funding by the VanGov reflects the strong nature of the partnership with MFAT (Development) in the VCSP. However, if technical advisory functions are to be effective, then these counter-part positions need to be resourced to ensure effective individual and organisational capacity development. The proposed new structure (see p.145), agreed by the Public Service Commission, allows for more Corporate Office positions that will provide more opportunity for technical advisors to focus on developing individuals. Budgetary funding has yet to be agreed for this structure. Temporary, short-term and split-roles management and leadership in the

Dipatmen have created considerable difficulties for effective individual and organisational capacity development through technical advisory support. A recent partnership agreement between VanGov and MFAT (Development) includes a provision aimed at ensuring able and stable management and leadership in *DBKS*.⁴⁰

176. The funding and continuity of positions are critical to the future of the Project. Neither VanGov nor MFAT (Development) want the VCSP to continue into the long-term. Both parties want institutional, organisational and individual capacity of ni-Vanuatu staff to be developed so the *Dipatmen* can become autonomous, well-performing and sustainable. This can only be achieved if the technical advisors can mentor suitable individuals over a period of time. The VanGov needs to ensure the new structure is funded and suitable individuals fill *DBKS* roles for a continuous period of time. If this is not occurring in-line with the expectations of both the parties, it's important that there be early engagement to mitigate continued risks.
177. While the *Dipatmen blong Koreksonal Sevis* has developed key formative documents describing their vision and business plan, mutual accountability reporting is yet to be fully developed. Public reporting against intended results (outputs and outcomes) is important to ensure the Vanuatu public are aware of areas of responsibility and progress, including holding the New Zealand High Commission and MFAT (Development) to account for its role. If the *Dipatmen's* result-based reporting was to be developed, this should enable most of the VCSP reporting to be sourced from the *DBKS* system. Mutual accountability for *DBKS's* performance would help to provide key incentives for both *DBKS* and MFAT (Development). It is recommended that results-based reporting be developed as part of the VCSP over the next 12 months, with the VCSP utilising this system as much as possible in the future. This would need to include an interim step of the *DBKS* developing a results-based monitoring and evaluation framework. A key requirement in strengthening results-based reporting would be to further develop the Detainee Information Management System. While this system has been developed to a degree under the VCSP, the system appears to require further development to ensure that it contains robust information for evidence-based policy making, and performance reporting. It is recommended that the further development of the Detainee Information Management System be undertaken as part of the VCSP over the next two-years.
178. A communication plan was to be developed under the VCSP. This plan has not been developed and, to an extent, misinformation about the improvements in the correctional centres contributed to the Vanuatu Mobile Force's involvement in the Centres in 2008. This Plan should be developed (supported by a technical advisor) and used to build on the recent positive public communication work of the *DBKS* staff. Effective public communications is necessary to ensure that ni-Vanuatu understand the correctional approach and value the *Dipatmen* and the progress in rehabilitating detainees.

⁴⁰ Singed on 4 December, 2010.

Capacity Development

179. The intended capacity development approach for this project included a stronger supporting role for technical advisors than has been employed. The approach to-date has been dictated by staffing arrangements within the *DBKS*, the difficulties caused by the lack of progress with improving security, and deterioration under Vanuatu Mobile Force involvement. As in the past, some activities will still need to be undertaken by technical advisors as in-line functions due to their one-off nature. However, increasingly (as positions allow) capacity development work involving technical advisors should not substitute for ni-Vanuatu staff undertaking the work. This requires a stronger mentoring role to be adopted. This is important for developing an effective, autonomous and sustainable *Dipatmen* and enabling the future exit from the Project by MFAT (Development) and the Department of Corrections (NZ). To assist this, the *DBKS* result-based framework should clearly articulate the capacity development results required by both advisors and at the organisational level.

Design Deficiencies

180. The original feasibility study and phase II Design Document were deficient in several important ways. This included:

- i. They provide insufficient contextual information
- ii. They provided insufficient guidance on the quality adaptations required in implementing the Department of Corrections (NZ) model
- iii. They did not make sufficiently clear what the capacity development approach should be and what capacity development outcomes would need to be achieved and by when
- iv. The monitoring and evaluation frameworks were not result-focused, with time-bound outcomes
- v. They did not guide implementation prioritisation
- vi. Had the documents better addressed these factors, some significant project risks could have been mitigated.

Summary of Recommendations

181. This sub-section lists the recommendations aligning with findings and conclusions include in this report. Recommendations are targeted MFAT, *DBKS* and technical advisors. Recommendations that may have significant cost implications for *BDKS* are not targeted at that agent due to the financial implications. These have been mostly assigned to advisors to encourage the options and implications to be considered before investigating financing options.

182. Overall Project Level

- xxvi. That MFAT (Development) be vigilant in monitoring the Partnership Agreement to ensure that key *DBKS* leadership and manager positions are filled with permanent and able ni-Vanuatu staff. This will help to ensure that technical advisors are able to focus on developing counter-parts' individual capacity.
- xxvii. That MFAT Post continues its active support of the Correctional Taskforce.
- xxviii. That MFAT (Development) encourage VanGov funding in 2010 of the new *DBKS* structure proposed in 2009.
- xxix. That advisors continue to support *DBKS*'s communications work to build public understanding of the corrections approach and progress as it occurs.
- xxx. That *DBKS* and advisors work in partnership to revise monitoring and evaluation framework for *DBKS* to enhance the degree to which it is result-based and to clearly articulate the capacity development results required for the organisation and from the advisors work.
- xxxi. That *DBKS* and advisors give priority to using the result-based monitoring and evaluation framework to enhance *DBKS* mutual accountability reporting. The VCSP should utilise this reporting system for its own reporting as much as possible in the future. Where the system does not provide important outcome information, separate VCSP result-based reporting should occur.
- xxxii. That MFAT (Development) and advisors promote the establishment of formal operational co-ordinating committee for the sector that reports to the Director-General's sector committee.
- xxxiii. That MFAT (Development) support technical advisors to focus as much of their roles as possible on mentoring ni-Vanuatu *DBKS* staff so both individual and organisational capacity are increasingly developed and sustained.
- xxxiv. That MFAT (Development), in consultation with partners, consider extending the Project period for three years to ensure that development outcomes are achieved and sustained.

183. Community-based sentencing

- xxxv. That MFAT (Development) reduce probation advisors personnel to one position and centralised in Port Vila, with provincial visiting requirements. After 12-months, the advisor role be reviewed with a view a further reduction to 0.5 and then 0.25 of a position over one and two years, before full withdrawal at the end of 2012.
- xxxvi. That *DBKS* (supported by advisors) review community-based sentencing procedures to ensure that sex offenders are not released into

residential circumstances where they are alone with victims or other vulnerable persons.

- xxxvii. That advisors work with *Probesen* Officers to ensure that parole reports reflect the role and likely contribution of programmes and activities to offender rehabilitation.

184. Corporate service

- xxxviii. That *DBKS* and technical advisors undertake further work to develop the Detainee Information Management System to ensure that it adequately supports result-based performance reporting and provides robust information for evidence-based policy making.

185. Correctional Centres

- xxxix. That *DBKS* and advisors work in partnership to review (using a participatory approach to develop staff ownership and commitment) the processes and procedures being implemented in correctional centres to ensure they appropriate and implementable.
- xl. That technical advisors consider focusing their work with Correctional staff on the critical few processes and procedures in Centres to ensure they are well-embedded with strong ownership and commitment. As a priority, this should include processes and procedures designed to mitigate violent behaviour by officers (note: low-level but a risk of escalating).
- xli. That technical advisors ensure that future training in correctional centres is led by ni-Vanuatu Officers to ensure that future training capacity is being developed (including the development of materials).
- xlii. That technical advisors promote policy in *DBKS* that ensures activities (or programmes) targeting detainees' skill development provide for on-going skill and education development opportunities.
- xliii. That *DBKS* consider increasing the time low-risk and remanded detainees have outside the immediate cell unit to emphasis the benefits of good behaviour and to reduce building detainee frustration.
- xliv. That *DBKS* (with the support of advisors) prioritise further development of the complaints process in Correctional Centre to ensure that both detainees and staff see it as credible.
- xlv. That technical advisors raise the priority of developing and implementing rehabilitation programme/s based on key and prioritised needs.
- xlvi. That technical advisors encourage a system to be introduced whereby detainees are paid (small - minimal but sufficient) for revenue generating and cost reduction activities using detainee labour.

- xlvi. That *DBKS* (supported by advisors) encourage the Republic of Vanuatu Office of the Ombudsman to clearly position itself as the external complaint resolution body for the correctional centres and as the primary external agent assessing correctional centres conditions.
- xlvi. That the technical advisors promote the establishment of semi-independent role within the *DBKS*'s Corporate Office to investigate and resolve escalated complaints.
- xlix. That both *DBKS* and MFAT (Development) be active in monitoring the key milestones for the construction of the new Port Vila Correctional Centre and actively ensure that any barriers or obstacles to achieving delivery timelines are addressed through partnership. *DBKS* should report quarterly to both the Correctional Taskforce and the Director-General on progress against these time-bound milestones.
- I. That *DBKS* and Vanuatu Mobile Force (and/or VNP) co-sign a memorandum of understanding that clearly outlines their required code of conduct and lines of accountability should a Ministerial decision be made to appoint Vanuatu Mobile Force staff as temporary correctional officers again. This could include a requirement that individual Vanuatu Mobile Force staff individually sign a contract re-enforcing these responsibilities prior to becoming sworn correctional officers. MFAT (Development) should actively encourage this recommendation.

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Appendices

APPENDIX ONE: TERMS OF REFERENCE

Evaluation of Vanuatu Correctional Services Project (VCSP) (November 2009)

Background

Vanuatu

1. Vanuatu's population of approximately 230,000 is growing at an estimated rate of 2.6 % annually. Some 77% of the population live in rural areas with subsistence agriculture as the main source of livelihood. An estimated 40% live below the US\$1 per day poverty line. Approximately 40% of the population is under the age of 15. The formal employment market is not keeping pace with urban population growth and unemployment rates are high.

2. Growing income inequality, urban drift and the consequent expansion of informal settlements have increased social pressures and the risk of conflict. Crime rates and perceived risks to personal security are of increasing concern. Land disputes are a significant social and economic issue throughout Vanuatu. The country also has a high vulnerability to natural disasters.

3. Effective delivery of basic services is constrained by geographic isolation and limited government capacity. "*kastom*" and religion are important social influences on governance and processes of change. Government recognises the role of chiefs in policy and in service delivery. Women's representation in formal decision making and public office remains low and negative attitudes to women's and children's rights are reflected in high rates of sexual violence and physical abuse.

Vanuatu Correctional Services Project

4. There were increasing public concerns about safety/security, growing crime and the state of prisons. Unresolved these issues could seriously undermine Vanuatu's sustainable economic development and human rights. In response the Government of Vanuatu (GoV) and NZAID undertook a joint feasibility study in 2003 to identify possible assistance for the development of correctional services. The study confirmed the need for reforms and recommended a project in two phases:

- Phase I - to facilitate the development and implementation of reforms to enable the establishment of a new correctional service and to achieve short-term improvements in prison conditions; and

- Phase II – to strengthen the management and operation of the correctional service to provide safe, secure and humane containment of prisoners and effective rehabilitation and correction of offenders.

5. NZAID supported the GoV in implementing Phase I through the establishment of a Correctional Services Task Force (CSTF) that laid the groundwork for the creation of the Depatmen Blong Koreksenal Sevis (*DBKS*⁴¹), introduction of community probation services and upgrade of correctional centres until a new prison is built in Port Vila.

6. Phase II introduced to Vanuatu a new philosophy for correctional services that put emphasis on “*kastom*” values while ensuring that the human rights of women, men and children were respected. Priority was given to encouraging the wider use of sentencing options by Courts; involve communities in community non-custodial sentences and in rehabilitation programmes. Phase II was extended to Phase III following a review in April 2007.

7. The **goal** of the Vanuatu Correctional Services Project Phase II is: “*the safe, secure and humane containment of detainees and effective rehabilitation of offenders*”. The VCSP initially consisted of three components and six objectives as set out below:

<u>Components</u>	<u>Objectives</u>
Strengthening of the <i>DBKS</i>	1: To support the <i>DBKS</i> to manage the change process and develop policies, systems, procedures and to access resources that will achieve the <i>DBKS</i> objectives
Development of Correctional Centres	2: To strengthen the management and operation of Vanuatu Correctional Centres in line with the philosophy of the new Department 3: To complete refurbishment and operationalise temporary Correctional Centres in Port Vila and Luganville 4: To establish one or more permanent Correctional Centres in Vanuatu
Establishment of Probation and Parole Services	5: To develop an effective probation service within the <i>DBKS</i> 6: To establish and support the operation of Community Parole Boards

⁴¹ The ToRs refer to the Vanuatu Department of Correctional Services (VDCS) by its Bislama name and uses the acronym *DBKS*. However, please note that until recently VDCS was used more often in documentation.

8. After the review in 2007 the goal and objectives⁴² were amended as follows:

Goal: The safe, secure and humane containment of detainees and effective rehabilitation of offenders and to introduce community-based sentences and community parole.	
<u>Components</u>	<u>Objectives</u>
Institutional capacity strengthening for <i>DBKS</i>	1: To strengthen the institutional capacity of <i>DBKS</i> by completing the change process; implementing its policies, system and procedures; and accessing required resources
Institutional strengthening of correctional centres	2: To strengthen the management and operations of temporary correctional centres in line with the philosophy of <i>DBKS</i> and to commence the process of constructing one or more permanent correctional centre in Vanuatu 3: To provide the required correctional centre infrastructure in Vanuatu
Strengthening the institutional capacity of the Probation and Parole Services	4: To develop an effective Probation Service within <i>DBKS</i> 5: To support the operations of the Community Parole Boards

9. Corrections NZ (CNZ) has had a significant contribution to VCSP from being on the project design team to project oversight and provision of seconded advisers. This is a partnership valued by both NZAID and the GoV and presents a good example of an NZ Inc approach

10. The Probation service, introduced in 2007 is the more successful component of the VCSP. The Offender Management Information System (OMIS) enables *DBKS* to generate reports for the Courts, which is increasingly handing down non-custodial sentences. Communities have willingly become involved in supervising community sentences and rehabilitation. There are currently (November 2009) over 200 offenders serving community sentences.

11. In contrast there have been significant challenges to the prisons component of the project. It was decided to hold off deployment of prison advisers until the start of construction of the new prison in the expectation that the GoV would acquire a new site quickly. The 3-year delay in finding a site combined with a lack of leadership and capacity in *DBKS* undermined its ability to stop the spate of prison escapes and deal with inmate grievances. The GoV's secondment of Vanuatu Mobile Force officers to help manage prisons

⁴² Refer to Phase 2 Review Report for the logical framework for the current phase

exacerbated the situation and resulted in inmates torching the Stade Prison in December 2008, escaping en mass and threatening public security and safety

12. Under the leadership of a new director, recruitment of additional staff and the support of two prison advisers the situation was stabilised. NZAID provided additional resources to refurbish the Stade and Ex-British Prisons and upgraded security through the creation of a separate High Risk Unit for high risk and troublesome inmates. There are currently about 180 prisoners.

13. The crisis with prisons prompted NZAID to undertake a Stock-take in April 2008 to: determine how the project might be amended to better achieve its aims and result in sustainable outcomes; reassess the corrections partnership between NZ and Vanuatu (and mutual accountability inherent to that); review ownership/leadership of the GoV; and assess the project's scope, approach and resource allocation - particularly the future provision of TAs and continued CNZ involvement

14. The Stock-take made six recommendations that were accepted by all parties. The main recommendation was strengthening mutual (Vanuatu/NZ) accountability and partnership through an MoU or similar that outlines each party's responsibilities and contributions.

15. Total project expenditure up to 30 June 2009 was just under \$7.5m against a Ministerial approval for \$14m. Currently the estimated total expenditure up to 2011/12 is between \$18-\$19m

16. The key stakeholders are the GoV, NZAID and CNZ. AusAID is an important stakeholder because it is a major player in the law and justice sector that includes police support. However, NZAID is the only donor supporting prison reform. The Vanuatu police, prosecution and Courts are also significant stakeholders in the VCSP. Civil society organisations involved in human rights, the private sector and the community at large have vested interests in the Project because it affects their personal safety, security and businesses.

Rationale and Purpose

17. Phase 2 of the project began in March 2006 so the evidence of the Project's effect should be available, including progress towards achieving the Project's goal and objectives. This is also a useful juncture to consider performance to date and key learnings as it precedes a critical stage of prison construction and commissioning. There is also a need to start considering an appropriate exit strategy. Capacity and resources of all three partners need to be mobilised to ensure that planned activities over the next two and a half years can be implemented effectively and efficiently.

18. This evaluation is being undertaken for accountability, learning and improvement purposes.

- Accountability – this will verify for all three partners the extent to which their input is contributing to the Project’s outcomes. In addition NZAID wants to assess the efficiency and effectiveness of the VCSP because of the level of expenditure incurred to date.
- Learning - the evaluation will gather information that indicates what has worked well and not so well, for whom and in which circumstances; and
- Improvement – the findings of the evaluation will inform all three partners if any adjustments in approach and implementation are required to improve implementation for better development outcomes.

19. The final report (or part thereof) will be made publically available, including on the NZAID website, once approved by the NZAID Evaluation and Research Committee.

Scope

20. This evaluation will cover Phases 2 and 3 of the Project (the period from March 2006 up to September 2009). Where appropriate the evaluation should draw on the findings of the Phase 2 Review (April 2007) and the Stock-take (April 2009).

21. The evaluation will consider effectiveness, relevance, sustainability (to the extent possible) and efficiency⁴³. While all criteria are pertinent, emphasis should be given to assessing project effectiveness, efficiency and sustainability. Impact will not be assessed as the broader and long-term results of the Project are unlikely to be evident at this time.

22. The evaluation will cover all activities intended and implemented during the identified period for this evaluation, and will consider the following aspects of the VCSP:

- Capacity building of *DBKS* – approach, progress, challenges and future level of technical assistance required;
- Correctional centres management – reforms, progress and challenges
- Probation services – approach, progress, challenges and lessons learned
- NZAID/CNZ partnership – lessons learned
- Exit strategy – key aspects that should be considered for inclusion in the exit strategy

⁴³ See the NZAID Evaluation Policy Statement, p.3, for definition of these terms.

23. In its investigations the evaluation team will need to visit the correctional centre in Luganville to consult with, and collect information from, GoV officials, staff, technical advisers, members of the community involved in probation services and other relevant stakeholders. Much of the consultation and information collection will occur in Port Vila where the key stakeholders are based.

Objectives

24. The evaluation should address the following objectives and high-level questions⁴⁴:

25. **Objective 1:** To establish the relevance of the Project to achieving effective development results in good governance and public sector reform in Vanuatu

- (i) How has the development context in Vanuatu changed since 2006 and what implications does this have for the Project?
- (ii) To what extent are the current goals and objectives of the Project aligned with achieving the development needs and priorities of the law and justice sector and the *DBKS*?
- (iii) To what extent is the Project design and implementing approach consistent with the policies and organisational imperatives of NZAID and the CNZ?
- (iv) To what extent has the partnership between NZAID and CNZ been successful? What challenges and learnings have there been?

26. **Objective 2:** To determine the effectiveness of the VCSP, including in strengthening *DBKS* institutional capacity

- (i) To what extent have the objectives of the VCSP been achieved to date? What factors⁴⁵ have contributed to and/or restrained progress?
- (ii) Do the design and implementation approach appear consistent with reaching the level of achievement expected by July 2012 (e.g. inputs to outputs to level outcomes intended)? What changes may be required (e.g. design, resources, TA) to enhance performance?

⁴⁴ The study should not be limited to these high-level questions or their wording, provided the questions considered provide the best opportunity to addressing the objectives, given the resources available.

⁴⁵ Such as was the institutional strengthening approach suited to the Vanuatu context and culture and were good practice development Principals applied?

- (iii) To what extent has the human rights philosophy introduced under phase 2 been introduced effectively? What factors have assisted or constrained embedding human rights in *DBKS* culture? How can this be enhanced?

27. **Objective 3:** To determine the ability of *DBKS* to continue operating effectively to sustain reforms after NZ support ends.

- (i) To what extent are *DBKS*' policies, systems and processes likely to sustain the institutional changes that have been implemented?
- (ii) To what extent is *DBKS* likely to be ready for a phased reduction of New Zealand support in the next two and half years? What steps could be included in an exit strategy to ensure the Project's benefits will continue post-support?

28. **Objective 4:** To establish value for money

- (i) Could the same level of outcomes have been achieved (see effectiveness) at less cost (financial analysis)?

For each of the objectives and high level questions key learnings should be identified to inform future design, implementation and management.

Methodology

29. The design for this evaluation should be developed by the evaluation team and described in an Evaluation Plan for agreement with the Steering Committee (see 'Governance and Management' section). The design should incorporate the NZAID Evaluation Principals⁴⁶ of partnership, independence, participation, transparency and capacity building. A final draft of the Evaluation Plan should be agreed by the Steering Committee before in-country fieldwork starts, and the Plan finalised once the design has been discussed with key in-country partners.

30. The Plan should address the questions identified in Appendix One. The evaluation process will also include:

- A briefing with NZAID (Programme & SAEG) and CNZ Wellington prior to the development of the draft Evaluation Plan and the field visit
- Briefing/s with NZAID, High Commission and *DBKS* in Port Vila at the start and end of the fieldwork

⁴⁶ See the NZAID Evaluation Policy Statement, p.3.

Governance and Management

31. Governance of the evaluation will be the responsibility of a Steering Committee comprising of representatives of the three partners. They are: Sara Carley – NZAID Development Counsellor; Mark Bebe - Chair of Correctional Services Task Force; and Leanne Field - Assistant General Manager (Operations) Prison Services. Their role is to make key decisions that will ensure that the evaluation addresses the agreed Evaluation Plan and is delivered in-accordance with the identified practices and standards identified in the subsequent section. The Committee will:

- Sign off on the terms of reference
- Approve the Evaluation Plan
- Consider and resolve any higher-level issues arising
- Provide feedback on the draft report, and
- Approve final written report.

32. NZAID is the commissioning agent for the evaluation and will therefore take overall responsibility for the management arrangements. The Evaluation will be managed by the NZAID Vanuatu Development Programme Manager based in Wellington, with support from the NZAID Manager based in Vanuatu. Their role will be to:

- Serve as the primary point of contact for any matters requiring clarification or assistance
- Oversee the preparatory phase including compiling reference documents (to be available at the start of the work) and briefing the evaluation team
- Communicate with the evaluators during data collection and help resolve any unforeseen glitches. Provide other advisory and practical support. This includes the NZAID Manager working with *DBKS* in arranging meetings and logistics to assist the evaluation team
- Facilitate the peer-review of the draft report and collate stakeholder feedback on the draft report for the evaluators.

Composition of the evaluation team

33. The evaluation is scheduled to start in early November 2009 with the intention to finalise the report before Christmas. However, this is dependent on key stakeholders commenting quickly on the draft report. If this is not possible then the report will be finalised by January 2010. A total of 22 working days has been allocated for the evaluation broken down roughly as follows:

- 5 days preparation
- 10 days field work
- 7 days to draft and finalise report

34. The evaluation team is assembled by NZAID. The team will comprise of **Andrew Kibblewhite**, Evaluation Adviser (NZAID), **Grenville Bell**, Senior Inspector of Corrections (CNZ) and **Colin Tevi**, Head of Monitoring and Evaluation Unit, Department of Strategic Policy, Planning & Aid Coordination in the Prime Minister's Office.

35. Andrew Kibblewhite will be Team Leader (T/L) and responsible for ensuring that the requirements of the agreed Evaluation Plan are met, quality process is followed and final report meets the specified standards. In consultation with other team members the T/L will draft the evaluation plan, lead consultations, lead drafting and finalisation of the report. He brings to the Team in depth knowledge of NZAID and an understanding of development and evaluation expertise.

36. Grenville Bell will be a key member of the team bringing his expertise in correctional services operation and management. His insights into the effective operations of custodial and probation services in NZ will be especially useful. He will contribute to the preparation of the Evaluation Plan; participate actively in consultations and data collection, and to drafting and finalising of the report.

37. Colin Tevi will be critical in providing ni-Vanuatu contextual (socio-economic & political) insights and ensure that these perspectives are considered. His thorough knowledge of the GoV national development plans, priorities and capacities will be invaluable to the team. When Bislama is used during consultations he will interpret feedback for the other two members of the team. He will also contribute to the drafting and finalisation of the report.

38. The first task of the evaluation team will be to provide feedback on the terms of reference to ensure they are achievable.

Quality, Outputs and Reporting Requirements

39. The outputs for this evaluation will be consistent with the good evaluation practice and in-accordance with the DAC Evaluation Quality Standards. The production of the report will also be consistent with the requirements of the NZAID Guideline for the Structure and Evaluation and Review Reports.

40. evaluation team will produce the following outputs:

- Evaluation Plan (see Appendix One for proposed content). The draft to be discussed with DPM and NZAID Manager then approved by Steering Committee

- Verbal presentation on the key, initial findings to key stakeholders – this may be through small cluster meetings or a workshop with a broader range of stakeholders that were consulted
- End of in-country visit, verbal de-brief with NZAID staff and High Commission Port Vila and with NZAID and CNZ on return to Wellington
- Draft written report due three weeks after the completion of the field visit
- Final written report submitted two weeks after receiving from DPM the combined partner and stakeholder comments.

Follow-up

41. Following receipt of the final report NZAID (Pacific Group & SAEG); Pacific Division & High Commission, Port Vila; and CNZ will consider the findings of the report in consultation with GoV/DBKS. NZAID will then work with DBKS and CNZ to implement agreed recommendations.

Sources of Written Information

42. The following documents are useful sources of information

- 1) Project Design Document - Vanuatu Correctional Services Project Phase II (Jan 2006) DM 6 # 1076919
- 2) MoU and Letters of Variation between NZAID and CNZ for Phase 2
 - - MoU Jan 2006
 - - LoV 1 to 9
- 3) Grant Funding Arrangement and Letters of variation between NZAID & GoV for Phase 2
 - - GFA March 2006
 - - LoV 1 to 4
- 4) Ministerial Submission for approval up to \$14m – 19 February 2008
- 5) Phase 2 Review Report – Byers & Vurobaravu (April 07) DM 6 #1250035
- 6) Stock-take Report – Cowan, Field & Metmetsan (April 09) DM 6 #2179626
- 7) Project Reports
 - - TA Team Leader Quarterly reports
 - - Probation TA Report – Lesley Campbell
 - - Report on Stade Prison Fire – Gordon Ngatai (Dec 08)
 - - Prison TA Six-monthly reports (Aug 09)
- 8) Concept paper on use of shipping containers as holding cells (King)

- 9) *DBKS* Business Plan 07, 08, 09
- 10) CNZ/NZAID Joint Submission to Ministers Corrections & MFA (20/3/09)
- 11) Vanuatu Ministry of Justice Strategic Plan
- 12) Government of Vanuatu Priorities Action Agenda
- 13) NZAID Vanuatu Development Programme Strategy 2006-2010

Appendix One: Evaluation Plan Content

The Evaluation Plan should address, but not be limited to, the following questions

- How will the relevant NZAID Evaluation Principals be incorporated into this evaluation?
- Who are the stakeholders of the interventions and evaluation? What is their interest or stake in the evaluation? How will the evaluation incorporate them as stakeholders?
- What change will results from each aspect of the intervention (cause-and-effect chain)? How can progress towards these changes be identified, including baseline information identified?
- What information will be needed to address each objective and answer the associated high-level questions? What methods and procedures will be used to collect and analyse this information? Describe in detail e.g. present draft surveys, or structure interview sheets.
- What will be the sources, and how will they be selected/identified, of this information? How will different sources (and or critical assessment) be used to ensure robust information? How will information be quality assured?
- What processes will be used to ensure that stakeholders are involved in the design, implementation, and commenting on the initial findings?
- How will relevant crosscutting and mainstreamed issues be addressed in the design and processes, and in reporting the results? [*Reference: Screening Guide for Mainstreamed and Other Cross Cutting Issues*]
- How will the findings and initial conclusions be verified with participants and communities and other stakeholders be given an opportunity to give feedback?
- How will the risks, limitations or constraints of the evaluation be managed and reported?
- How will ethical issues be addressed? For example how will participants of the evaluation or review be informed of the purpose and use of information they will provide? How will sensitivity to gender and culture be ensured? Is informed consent required? If so, how will this be obtained? How will confidentiality of participants be ensured?

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APPENDIX TWO: EVALUATION PLAN

1. Stakeholders to the evaluation

There are a range of stakeholders who are important to the Vanuatu Correctional Services Project (VCSP) and to this evaluation. The delivery of a high-quality, independent evaluation that provides mutual accountability as well as identifying key learning and potential improvements, means that the interests of stakeholders need to be considered specifically to this evaluation, rather than the project itself. Appendix one (see p. 88) provides the evaluation team's assessment of the interests and needs of stakeholders for this evaluation. Column three,

2. Independence of the evaluation team

The *OECD DAC Evaluation Quality Standards* have been identified by the commissioning agent of this evaluation as the standards this evaluation must meet. These standards specify the importance that evaluations be conducted by persons not responsible for the design or implementation of the intervention. For this evaluation, though the three evaluation team members are from the three joint project partners (Government of Vanuatu (GoV), Corrections New Zealand (CNZ) and the New Zealand Agency for International Development (NZAID)), none have had responsibility for the project to date⁴⁷. As such, provided the approach and implementation of the evaluation are undertaken in accordance with the Principal of independence, then this evaluation can be said to have been conducted independently. Of the key roles of the Steering Group is to ensure the team can operate and report with independence.

3. Information needed to answer each evaluation question

The allocation and utilisation of resources required to answer the information needs of this evaluation are assessed and summarised in appendix two (see p. 95).

4. Data collection and appropriate methods⁴⁸

The purpose of the evaluation is to assess progress towards the achievement of the Project's results since phase II, which started in March 2006, and to identify key leanings to inform the next three years of funding and planning toward exiting the Project. The evaluation will cover four of the five the Development Assistance Committee evaluation criteria of the effectiveness, efficiency, relevance and sustainability of the Vanuatu Correctional Services Project (VCSP). The evaluation is not intended to assess impacts due to the lag in higher level effects becoming evidence.

Available data on phase II of the VCSP is limited to technical advisor reports which have not be independently verified; a 'stocktake' review which lacked

⁴⁷ Nor do they work in functions with lie management responsibilities

⁴⁸ See appendix two (p. 95) for details of how data will be collected to answer each of the high-level evaluation questions

rigour, depth and breath; and ‘merlins’⁴⁹ that state official positions and do not contain systematically collected evidence. While a useful starting point, the data collection for this evaluation needs to provide robustness to available information and to fill information gaps.

Given the data currently available, the extent of the required data collection to cover all three components of the Project across the four evaluation criteria, the geographical spread of both prisons and offenders receiving probation/community sentences, and the standards prescribed in the *DAC Evaluation Quality Standards*, significant data collection and analysis will be required.

The primary data collection would involve a mix-method approach; quantitative (structured interviews) and qualitative methods (semi-structured interviews, workshops, and direct observation). In addition, multiple sources will be used for answering all questions.

The quantitative survey methods, administered through structured interviews with some qualitative content, will be used to gather data from correctional inmates, offenders receiving probation or community sentences, and from correctional wardens and supervisors. This information will be analysed using basic summative statistics (sum, frequencies, means or averages). Sample sizes will be kept as small as possible to meet the analytical needs while minimising imposition to Corrections and probation staff that will need to assist with organisation for the survey. The survey is likely to involve a minimum of 30 face-to-face interviews with inmates, at least 30 with offenders on probation/community sentences, and a minimum of 15 with community leaders (semi-structured) involved with the rehabilitation of offenders on probation/community sentences.

Qualitative methods will also be used. Semi-structured interviews will be used to collect data from key government and Depatmen Blong Koreksenal Sevis (DBKS)⁵⁰ management and staff⁵¹, technical advisors, and donor, including NZAID staff. Focus groups will be used with Technical Advisors to share views on the Theory of Change of the Project and to capture key learnings going forward. Direct observation will be used to identify the activities and behaviours in Correctional Facilities and in undertaking probation/community sentences. Qualitative data will be used as the main sourced data for some evaluation questions, but they will also be used to triangulate and better understand quantitative data.

The evaluation will also make use of considerable secondary data sources: project reports, the phase one and April 2009 reviews, DBKS documentation and records, and NZAID financial records.

⁴⁹ MFAT official communication

⁵⁰ Vanuatu Department of Correctional Services

⁵¹ Includes Department, Correctional Facilities and Probation Service’s staff

Selection of individuals and groups for data collection will be done by the evaluation team with guidance on the process of selection from key Project partners. Sampling frames and participation in surveys, interviews and direct-observation will be determined and selected by the evaluation team. Weighting will be applied to quantitative data collected in different sites to ensure conclusions about the populations can be drawn⁵².

Data interpretations and findings will be verified with a selection of self nominated participants.

5. Interview questions

Designing questions to be asked in structured and semi-structured interviews will involve several process steps. All questions will be drafted, consulted with key evaluation stakeholders and piloted. The questions will be designed to answer the evaluation objectives and supporting high-level questions on pages 6-7 of the Terms of Reference.

After every three or four surveys and interviews, the evaluation team will read over the notes and write a brief summary of the themes and questions we have, for follow-up during subsequent data collection. Similarly, as themes begin to emerge, we may add additional questions, seeking clarification or cross-checking of these observations.

6. Ensuring data robustness

Section two (above) and appendix two identify how multiple sources of information collected through different methods and sources will be used to triangulate findings to form robust conclusions (i.e. cross-validation). In addition to this and in situations where alternative data sources are limited; the data source will be critically assessed to compensate for interests that may distort a balanced and rigorous assessment for the report.

Where significantly disparate views and interpretation are identified, either through data collection or consultation, further data collection may be undertaken (e.g. extra interviews) to enable findings to be formed. Disparate views will be documented to ensure transparency and to enable the reader to draw their own conclusion.

7. Data analysis

The data for this evaluation come in many forms: written documents and reports, financial information, file notes, survey and interviews data, and focus groups. Structured interview data will be coded, entered into excel and analysed using basic summative statistics functions (sum, frequencies, means or averages). Qualitative data collected through open-ended questions and direct observation will be collated with common themes being identified and summarised. Notes on

⁵² Provided the number of observations do not align with the population proportions

each interview (coded to protect identities), the focus group and direct observation session will be documented (in summary⁵³ form rather than verbatim) and shared across the team.

An evaluation matrix will also be developed, which will list the high-level evaluation questions and sub-questions down one side and allow room for key observations, findings and judgements related to each one of these to be noted down next to each one. This matrix will facilitate systematic and efficient recording of themes when assessing documentation, notes from each interview and direct observations. This will be completed after the write up of the notes allowing for analysis of key themes emerging, as well as the level of convergence in responses and any areas in which there are inconsistencies that require further investigation. Once analysis and writing up is complete, only the team leader will retain copies of all notes and these will be destroyed once the final report is agreed for public release.

Documentation will be read with a view to addressing the specific evaluation questions and to developing specific questions for follow-up during key informant interviews and direct observation. Key findings from the document review will be coded using the evaluation matrix.

8. Assessment of cross-cutting and mainstreamed issues

Improvements of the human rights of prisoners are a key result area for the Project and will be assessed under the high-level questions. The extent to which both human rights and gender equity goals for (direct and indirect beneficiaries and stakeholders of the Project) are addressed through design and operation of the services will be assessed as a standard component of each form of data collection. Wherever possible, data collection will be disaggregated by gender, such as when directly observing warden behaviour and when interviewing community members.

9. NZAID evaluation Principals

The NZAID evaluation Principals (NZAID definitions identified below) will be incorporated into the evaluation design and processes by:

- Partnership – “work in partnership with development partners and other stakeholders to design and implement reviews or evaluations.” *Application:* the GoV, DBKS and Corrections New Zealand and key partners in this evaluation. Corrections New Zealand have assigned a staff member to be fully active evaluation team member, DBKS were offered the same opportunities but, for resource reasons, have instead agreed to an alternative local consultant with which they have confidence. In addition, representative from all three partners will be consulted on the evaluation design and

⁵³ A recording advice will be used by the team leader for event where the participants consent

processes, and on the initial evaluation findings, conclusions and recommendations.

- Participation – “stakeholders involved at all stages of the review or evaluation.” *Application:* Appendix one identifies which, and the extent to which, stakeholders will be involved. **It would not be possible to involve all stakeholders and all stages of the process.**
- Transparency and independence – “ensure reviews and evaluations are transparent (open and understood by all partners), and independent (carried out in a way that avoids adverse effects of political or organisational influence).” *Application:* The evaluation process has been designed to be inclusive of stakeholder and the commissioning agent’s views and compliance with good practice standards while maintaining the right of the evaluation team to collect and document findings and conclusions freely and without undue interference. This process and the degree of independence will be fully described in the report, along with any perceived conflicts of interests and interference.
- Capacity building – “organisational capacity to undertake reviews or evaluations is enhanced through stakeholder involvement in the review or evaluation process.” *Application:* the *DBKS* has not assigned a member to be part of the evaluation team nor do the Terms of Reference ask the evaluators to assess options for building the monitoring and evaluation capacity of *DBKS* staff. To ensure there is an opportunity for capacity building built into the evaluation, it is proposed that the evaluation team make the opportunity available to the *DBKS* to run a one-hour seminar for *DBKS* staff on how and why this evaluation has been conducted in the way it has. This seminar would be open to *DBKS* Port Vila staff and would be in addition to consultations with the Department as stakeholders.

The process prior to the agreement of the Terms of Reference was outside the control of the evaluation team, moreover, the limited resources (particularly time) available for the evaluation places limits the extent to which the evaluation team can incorporate some of these Principals, particularly participation.

10. Feedback to and from evaluation stakeholders

Consultation with stakeholders and key Project partners will be undertaken at important stages in the evaluation process (see appendix one). Consultation has occurred in Wellington and will occur in Vanuatu regarding the design and process for the evaluation. In addition to checking key data interpretations and findings with participants, key Project partners in Vanuatu and Wellington will be consulted over the initial high-level findings and conclusions of the evaluation.

The members of the evaluation’s Steering Committee (Carley, NZAID; Bebe, Chair of Correctional Services Task Force; Field, NZC) will sign-off the evaluation plan, brief the team prior to fieldwork, will be briefed of the initial findings at the

end of the fieldwork stage, and will provide feedback on draft report (feedback included or non-inclusion explained).

11. Risk and constraint identification and mitigation

The following risks, constraints and limitations have so far been identified. Further issues are likely to be identified during the evaluation process and will be raised with the task manager in the first instance, and may require Steering Committee decisions.

Potential risk, constraint or limitation

How it will be mitigated

Risk of coverage

1. The TOR and discussions with the task manager indicate that equal balance should be given to all three project component. There is a risk that data collection from multiple sources will not be possible meaning greater propensity for findings for some components than others
2. It has also been made clear that emphasis should be given to assessing effectiveness and relevance, with sustainability and value for money being secondary

It's important that findings be made only when robust data allow. The evaluators will ensure that all reasonable efforts are made to balance (three components) and focus (DAC criteria) data collection during fieldwork. The team will make the task manager and steering committee aware when unforeseen barriers occur in the collection of critical data

Any reduction in the suggested three weeks of fieldwork is likely to impact on balancing the three components and assessing effectiveness and relevance to the degree required

Primary data collection

3. The factor influencing getting a complete sample frame, setting-up interviews and obtaining an adequate response rate need further investigation in the field
4. Logistics putting at risk completing interview quotas
5. Availability of key representatives

The opportunities and barriers will be further assessed through initial discussions on arrival and the task manager and Steering Committee advised of any required adjustments to the Plan. Data gathering will be shared amongst the three members simultaneously

Priority will be given to completing inmate and offenders on probation/community sentences, with interviews with community leaders being reduced if time becomes a restriction. Similar interviews with stakeholders labelled as secondary to data collection will be cut back, if necessary

It is proposed that letters introducing the evaluation team and requesting meetings/interviews will be sent in advance. This letter should be endorsed by the Steering Committee and signed by Mark Bede as a Steering Committee representative and Chair of the Correctional Services Task Force. Meeting times and schedules will be left flexible (to the degree possible) to ensure the involvement of key representatives

12. Ethical issues

The evaluation will be carried out in an ethical way that is one that respects and upholds the rights of those participating in and contributing to the evaluation. The Australasian Evaluation Standards will be followed for this evaluation. The following approach will be adopted:

- Prior to each interview or direct observation the evaluation team will give a brief but comprehensive introduction as to who we are, the nature of the evaluation, and the purpose of this particular interview in contributing towards the evaluation. They will also be briefed of their right to decline or to withdraw. The evaluators will invite questions before proceeding.
- Participants will be assured that their individual views will not be attributed and interviewers will ensure identities are protected when taking notes and findings referred to in the evaluation report.
- Participants interviewed on a one-to-one basis will be given the opportunity to withdraw any information.
- Any information provided by inmates or those on probation/community sentences that could implicate persons with offending will be treated as confidential and anonymity maintained.
- The overseas-based evaluators will seek guidance from the in-country team member and in-country counterparts as to cultural sensitivities of which they should be aware and how to respond.

APPENDIX ONE: STAKEHOLDER ANALYSIS

Stakeholder	Stake in the evaluation	Importance ⁵⁴	Issues/constraints in involvement in evaluation?	How to involve	When
<p>VCSP Evaluation Steering Committee Mark Bebe (Chair, Correctional Services Taskforce) Leanne Field (Manager Operations CNZ) Sara Carley (NZAID Country Manager)</p>	<p>Ensuring a high-quality evaluation that is consistent with good practice and requisite standards, including independence, is delivered. Key functions include 1. Signing off the TOR 2. Signing off the Evaluation Plan 3. Providing feedback on the draft report, and 4. Signing-off the final report.</p>	<p>1. Primary 2. Primary</p>	<p>These people are in busy roles and the DPM co-ordinating the evaluation will need to ensure access and availability as agreed.</p>	<p>Meeting to discuss the evaluation plan (TOR signed-off at the same time); email feedback from each SC member will be provided to the team (by the DPM); each member will be interviewed; all will be briefed on the initial findings.</p>	<p>Draft plan will be emailed to members during the week of 9 November. Team will meet with members on 16 November to discuss the plan. Interviews will be conducted as identified in the interview schedule. Briefing on initial findings will occur on in early December. Draft report will be emailed (via the DPM) prior to Christmas.</p>
<p>Vanuatu Prime Minister's Office Simeon Athy (Director General, Prime Minister's Office)</p> <p>Department of Strategy, Planning P and Aid Co-ordination Gregoire Nimbtik (Director) Jean-Francois Metmetsan</p>	<p>An evaluation that meets mutual accountability needs.</p>	<p>1. Primary 2. Secondary</p>	<p>Time and priorities</p>	<p>Check design and participants (interviews)</p> <p>Representative on the team and will liaise with the office</p>	<p>During the first 1-3 days to ensure design matches expectations. Interviewed at the same time.</p> <p>Stakeholders' debrief.</p>
<p>Joe Ligo (Director General)</p>	<p>That the evaluation identifies any weaknesses affecting</p>	<p>1. Primary</p>	<p>Time and</p>	<p>Check design and</p>	<p>During the first 1-3 days to ensure design matches expectations.</p>

⁵⁴ 'Importance' is for two reasons: 1. buy-in to the evaluation approach, process and methods; and 2. to data collection for the success of the evaluation

Stakeholder	Stake in the evaluation	Importance ⁵⁴	Issues/constraints in involvement in evaluation?	How to involve	When
Justice)	sector integration, and recommends worthwhile changes.	2. Primary	priorities	participants (interviews)	Interviewed at the same time. Stakeholders' debrief.
Malvatumauri Selwyn Garu (Secretary)	That the evaluation identifies accurately how <i>kastom</i> has been utilised in each Project component, and identifies any options for strengthening integration of <i>kastom</i> when better sentencing outcomes may occur.	1. Secondary 2. Primary	Interests	Check design and participants (interviews)	During the first 1-4 days to ensure design matches expectations. Interviewed at the same time. Stakeholders' debrief.
<i>DBKS</i> Jean Pierre Tom (Acting Director, <i>DBKS</i>) Senior <i>DBKS</i> management (Tavoqa?, Simon?)	That the evaluation provides a clear and accurate view of performance, and identifies key learnings and improvements that <i>DBKS</i> could take forward to strengthen the operation.	1. Primary 2. Primary	Priorities and interests	Consultation during design, interview key senior management	During the first 1-3 days to ensure design matches expectations. Interviewed at the same time. Stakeholders' debrief.
Commissioning agent Sandra Hamilton (NZAID Team Leader)	Ensuring a high-quality evaluation that is consistent with good practice and requisite standards, including independence, is delivered. That the report provides a clear and accurate view of performance, and identifies key learnings and improvements will allow <i>DBKS</i>	1. Primary 2. Secondary		Opportunity to comment on the evaluation plan, interviewed, briefed on the initial findings, and opportunity to comment on the draft report..	Draft plan will be emailed during the week of 9 November. Interview will be conducted in early December. Briefing on initial findings will occur on during the December (after the interview). Draft report will be emailed (via the

Stakeholder	Stake in the evaluation	Importance ⁵⁴	Issues/constraints in involvement in evaluation?	How to involve	When
	take forward the VCSP work themselves.				DPM) prior to Christmas.
NZAID Leonard Chan (Development Programme Manager)	Task manager for the evaluation.	1. Primary 2. Primary	That the evaluation team has every opportunity to undertake the work with available information and access to key data sources. Delivery a high-quality report to the steering committee.	Part of briefing, interviewed in early December, will comment of the draft report and co-ordinate the feedback of other stakeholders, will review the final report to ensure agreed changes have been incorporated or explained, getting the NZAID Evaluation and Research Committee to sign-off the final report.	All stages.
MFAT/NZAID Jeff Langley (Head of Mission) Sara Carley (NZAID Country Manager) John Claasen (NZAID Manager)	In-country relationship managers and direct responsibility for success of the Project for NZAID. Manage reputation, positive view, and ensure useful evaluation output.	1. Primary 2. Primary	Interests	Consultation and participation (interviews)	Langley (arrival (consultant and interview combined), end of fieldwork, and as requested). Carley and Claasen all stages Interviews in the first week).
New Zealand Department of Corrections Barry Matthews (CEO)	That the evaluation provides a clear and accurate view of performance, and identifies key learnings and improvements. That the	1. Secondary 2. Secondary	Secondary	Has a representative on the steering committee (Field) and as a team member (Bell). Interviewed.	Kibblewhite in December.

Stakeholder	Stake in the evaluation	Importance ⁵⁴	Issues/constraints in involvement in evaluation?	How to involve	When
	evaluation does not present any reputational risks to Corrections New Zealand.				
VCSP Warwick Duell (Team Leader, NZ advisors) Chris King (NZ policy advisor) Gordon Ngatai (NZ custodial advisor, Port Vila) Cathryn Elsworth (NZ probation advisor, Port Vila) Galvin Davidson (NZ custodial advisor, Luganville) Maryann Moki (NZ probation advisor, Luganville) Kelly Seth Campbell	That the evaluation provides a clear and accurate view of performance, and identifies key learnings and improvements. That the evaluation does not present any reputational risks to them as advisors or to Corrections New Zealand.	1. Secondary 2. Primary	Interests	Consultation and participants (interviews)	In two groups. During the first 1-2 days in Vila and on-arrival in Luganville to ensure design matches expectations. Interviewed separately. Special debrief in Vila- Luganville to be kept informed by Vila staff.
Vanuatu Minister and Director of Police	That the evaluation identifies any weaknesses affecting sector integration, and recommends worthwhile changes	1. Secondary 2. Primary	Time and priorities	Check design and participant (interview) Representative on the team and will liaise with	During the first 1-3 days to ensure design matches expectations. Interviewed at the same time. Stakeholders' debrief.

Stakeholder	Stake in the evaluation	Importance ⁵⁴	Issues/constraints in involvement in evaluation?	How to involve	When
				the office	
Police Joshua Bong (Commissioner of Police)	That the evaluation identifies any weaknesses affecting sector integration, and recommends worthwhile changes	1. Secondary 2. Primary	Time and priorities	Check design and participant (interview)	During the first 1-3 days to ensure design matches expectations. Interviewed at the same time. Stakeholders' debrief.
Kayleen Tavoia (Public Prosecutor)	That the evaluation identifies any weaknesses affecting sector integration, and recommends worthwhile changes.	1. Secondary 2. Primary	Time and priorities	Participant (interview)	Interviewed as identified in the schedule. Stakeholders' debrief.
Judiciary John Alilee (Registrar, Supreme Court) Vincent Lunabek (Chief Justice) Judge Nevin Dawson (Supreme Court Judge) Judge Olivia Saksak (Supreme Court Judge and Parole Board Member, Luganville)	That the evaluation identifies any weaknesses affecting sector integration, and recommends worthwhile changes.	1. Secondary 2. Primary	Time and priorities	Participants (interviews)	Interviewed as identified in the schedule. Stakeholders' debrief.
<i>DBKS</i> staff managing inmates and probation staff managing community sentencing	That the evaluation provides a clear and accurate view of performance, and identifies key learnings and	1. Secondary 2. Primary	Interests.	Participants (structures interviews and observations)	In Vila and Luganville. As per the schedule. Checking data via a small group in Vila.

Stakeholder	Stake in the evaluation	Importance ⁵⁴	Issues/constraints in involvement in evaluation?	How to involve	When
	improvements.				
Correctional inmates	That the evaluation identifies any issues custodial issues that should be surfaced.	1. Secondary 2. Primary	Representative sample, access, free involvement, time	Participants (structured interviews and observations).	In Vila and Luganville. As per the schedule. Checking data via a small group in Vila.
Offenders on probation/community sentencing	That the evaluation identifies any issues custodial issues that should be surfaced.	1. Secondary 2. Primary	Representative sample, access, free involvement, time	Participants (structured interviews and observations).	In Vila, Luganville and Tanna. As per the schedule. Checking data via a small group in Vila.
Leaders of communities where inmates are reintegrating or where community sentences are completed	That the evaluation identifies any issues custodial issues that should be surfaced.	1. Secondary 2. Primary	Representative sample, time	Participants (interviews and observations).	In Vila, Luganville and Tanna. As per the schedule. Checking data via a small group in Vila.
Probation/community sentence supervisors	That the evaluation provides a clear and accurate view of performance, and identifies key learnings and improvements.	1. Secondary 2. Secondary	Time	Participants (structured interviews and observations).	In Vila, Luganville and Tanna. As per the schedule. Stakeholders' debrief.
Minister of Internal Affairs (includes Police)	Political ownership	1. Secondary 2. Primary	Time, travel	Participants (interviews and observations).	As per schedule.
Internal Affairs George Bogiri (Director General, Internal Affairs)		1. Secondary 2. Secondary	Time, travel	Participants (interviews and observations).	Stakeholders' debrief.

Stakeholder	Stake in the evaluation	Importance ⁵⁴	Issues/constraints in involvement in evaluation?	How to involve	When
NGOs (Chairman of Vanuatu Council of Churches Vanuatu Women's Centre Business Against Crime SANMA Counselling Centre (Luganville)	That the evaluation provides a clear and accurate view of performance, and identifies key learnings and improvements.	1. Secondary 2. Secondary	Time	Key representatives as informed participants (interviews)	Vila. As per the schedule.
Vanuatu Chamber of Commerce and Industry Louis Kalnpel (General Manager)	That the evaluation provides a clear and accurate view of performance, and identifies key learnings and improvements that would be good for business.	1. Secondary 2. Secondary	Interest	Participant (interview key person in Vila)	As per schedule. Stakeholders' debrief.
Independent Member of Parliament Moana Carcasses Ralph Regenvanu	That the present government be held to account	1. Secondary 2. Primary	Competing views	Participant (interview key person in Vila)	As per schedule. Stakeholders' debrief.
Other donors (AusAID)	That the evaluation identifies any weaknesses affecting sector integration, and recommends worthwhile changes.	1. Secondary 2. Secondary	Time and priorities	Participant (interview)	Interviewed as identified in the schedule (2-3 week). Stakeholders' debrief.
Vanuatu public	That the evaluation provides a clear and accurate view of performance.	1. Secondary 2. Secondary	No time and insufficient resource.		Public representatives invited to stakeholders' debrief.

APPENDIX TWO: DATA COLLECTION TABLE

Evaluation Question	Required information	Data collection methods
<p>Relevance: To establish the relevance of the Project to achieving effective development results in good governance and public sector reform in Vanuatu</p>		
<p>1. How has the development context in Vanuatu changed since 2006 and what implications does this have for the Project?</p>	<ul style="list-style-type: none"> • Information about the Vanuatu and the law and justice sector in 2006 and about the changes that are likely to affect the VCSP implementation, including working environment • While a range of stakeholders are likely to be able to identify changes, key sector representative responsible for implementation will be in the best position to judge affects on the sector and VCSP 	<ul style="list-style-type: none"> • Open-ended interview questions with officials who operating at a strategic level • Open-ended interview questions with MFAT, NZAID, and donor staff • Statistics on the sector e.g. number of arrests, convictions, imprisonments • Literature review e.g. other donor and NGO publications • Extent of alignment with the national development priorities of Vanuatu
<p>2. To what extent are the current goals and objectives of the Project aligned with achieving the development needs and priorities of the law and justice sector and the <i>DBKS</i>?</p>	<ul style="list-style-type: none"> • Develop the VCSP program logic, test the shared understanding with key stakeholders, identify VCSP criteria for prioritisation, check alignment of VSCP priorities with that of the sector, identify strengthens and opportunities for the Project • To what extent has implementation been consistent with the Project Design Document? If not, why not? Was the flexibility exercised consistent with the strategic vision for the Project? 	<ul style="list-style-type: none"> • Project documentation (PDD, Project output, reports etc) • Sector documentation (sector performance/vision documents) • Workshop with technical advisors • Open-ended interview questions with officials who operating at a strategic level • Open-ended interview questions with MFAT, NZAID, and donor staff • Statistics on the sector e.g. number of arrests, convictions, imprisonments

Evaluation Question

3. To what extent is the Project design and implementing approach consistent with the policies and organisational imperatives of NZAID and the CNZ?

4. To what extent has the partnership between NZAID and CNZ been successful? What challenges and learnings have there been?

Effectiveness: To determine the effectiveness of the VCSP, including in strengthening *DBKS* institutional capacity

5. To what extent have the objectives of the VCSP been achieved to date? What factors⁵⁵ have contributed to and/or restrained progress?

Required information

- Comparison of the approach design and approach with the imperatives of NZAID and CNZ shaping documentation
- Documentation about NZAID's vision, new policy settings under the new government, commitments under the Paris Declaration and ACCRA call to Action
- Rationale for CNZ involvement and organisational benefit

• Descriptive and perception information about partnerships, and exemplars

- Outcomes from the Program Logic and agreed indicators (how do you know when you get there?); standards identified from design documentation, through a shared understanding or international minimum standards (contextualised)
- Description of how the outcome and outputs align with the objectives
- Information from multiple sources to provide

Data collection methods

• Project and policy documentation (PDD, Project output, reports, Paris Declaration (and Phase 1 evaluation), ACCRA Call to Action, document about NZAID's new policy settings established in 2008-09)

• Open-ended interview questions with MFAT, NZAID, CNZ

• Open-ended interview questions with officials (NZAID, CNZ, *DBKS*, MFAT, technical advisors)

• Assessment of how the partnerships could operate for more effect and with greater efficiency

• Information sourced will be heady mix of quantitative and qualitative data from a multiple sources

• Statistical data from the management system, official information from *DBKS*

• Structured interview data (prisoners, wardens, those on probation)

• Observational data from prisoners, wardens, those on probation

⁵⁵ Such as was the institutional strengthening approach suited to the Vanuatu context and culture and were good practice development Principals applied?

Evaluation Question

6. Do the design and implementation approach appear consistent with reaching the level of achievement expected by July 2012 (e.g. inputs to outputs to level outcomes intended)? What changes may be required (e.g. design, resources, TA) to enhance performance?

7. To what extent has the human rights philosophy introduced under phase 2 been introduced effectively? What factors have assisted or constrained embedding human rights in *DBKS* culture? How can this be enhanced?

Sustainability: To determine the ability of *DBKS* to continue operating effectively to sustain reforms after NZ support ends.

8. To what extent are *DBKS'* policies, systems and processes likely to sustain the institutional changes that have been implemented?

Required information

a robust view of the degree of change that contributed to from the VCSP

- Identification of the barriers impacting on progress

Data collection methods

- Semi-structured interview (perception) data from with *DBKS*, sector stakeholders, community leaders and NGOs
- Semi-structured interview (perception) data from MFAT, NZAID and Post staff

- Comparison as to whether the outcomes achieved to date can be maintained through the influence of key organisational settings, including leadership, values and culture, management practices, and organisational

- Statistical data from the management system, official information from *DBKS*
- Open-ended interview questions with *DBKS* officials who operating at a strategic level

Evaluation Question

Required information

Data collection methods

- policies, systems and processes
- Stage one will require substantive descriptive information about the *DBKS*, then this will need to be tested against evidence of implementation and compliance
9. To what extent is *DBKS* likely to be ready for a phased reduction of New Zealand support in the next two and half years? What steps could be included in an exit strategy to ensure the Project's benefits will continue post-support?
- Assessment using the NZAID Exit Guideline, including assessing the degree of ownerships and harmonisation, and the degree to which capacity building has create change that will be sustained
 - Evidence of future *DBKS* planning
- Structured interview data (prisoners, wardens, those on probation)
 - Observational data from prisoners, wardens, those on probation
 - Semi-structured interviews with technical advisors
 - Open-ended interview questions with officials who operating at a strategic level
 - Open-ended interview questions with MFAT, NZAID, and donor staff
 - Open-ended interview questions with technical advisor
 - Exemplars of action showing ownerships and alignment

Efficiency: To establish value for money

10. Could the same level of outcomes have been achieved (see effectiveness) at less cost (financial analysis)?
- Outcome information will be obtained from the assessment of effectiveness
 - An assessment of the financial settings for the Project
 - A financial assessment of expenditure against budgets, and procurements procedures
 - The Project's financial records and documentation
 - Interviews with technical advisors

Evaluation Question

Key learnings and improvements

11. What key learnings are there to inform future design, implementation and management?

Required information

- Strategic summary of key findings to above mentioned evaluation questions
- Opportunities identified by key stakeholders

Data collection methods

- Open-end interview questions from interviews with *DBKS*, MFAT/NZAID staff,
- Open-end interview questions from interviews with prisoners, wardens, those on probation
- Observational data from prisoners, wardens, those on probation
- Open-end interview questions from interviews with technical advisors
- Open-end interview questions from interviews with other key sector stakeholders (Police and Justice)

APPENDIX 5: MILESTONE AND REPORTING SCHEDULE

Milestone Event	Due Date
Approval of the plan by the Steering Committee	17 November 2009
Debrief with MFAT/NZAID staff	3 December 2009
In-country stakeholder debrief	3 December 2009
Stakeholder debrief in Wellington	10 December 2009
Draft report provided to the Steering Committee	29 January 2010
Feedback from the Steering Committee	12 February 2010
Receipt of final report	26 February 2010

APPENDIX THREE: FIELDWORK SCHEDULE

Monday 16/11	Steering Committee
	Acting Director, <i>DBKS</i> ; and <i>DBKS</i> Operations Manager
	Technical Advisory Team
Tuesday 17/11	Director General, Justice Ministry and Social Welfare
	Chief Executive Officer of the <i>Malvatumauri</i> National Council of Chiefs
	Director and Senior Policy Analyst, Department of Strategic Policy, Planning, and AID Coodination, Office of the Prime Minister
	Chief Justice and Supreme Court Registrar
Wednesday 18/11	Technical Advisor (Corporate Services)
	Technical Advisor (Correctional Centres)
	Technical Advisor (<i>Probesen</i> services)
	Technical Advisor (Corporate Services)
SANTO Thursday 19/11	Prison Manager, Luganville
	Technical Advisor (Correctional Centres)
	Technical Advisor (<i>Probesen</i> services)
	Detainees/correctional officers, Luganville
Friday 20/11	SANMA Counselling Centre
	Supreme Court Judge and Parole Board Member, Luganville
	Detainees/correctional officers, Luganville
	Senior <i>Probesen</i> Officer, Espiritu Santo
	<i>Probesen</i> Officer, Espiritu Santo
	Community-based sentencing offenders and Community Justice Supervisors, Espiritu Santo
Monday 23/11	Detainees/correctional officers, Ex-British Correctional Centre
	USP Law Academic
Tuesday 24/11	Chief Executive Officer, Vanuatu Women's Centre
	Detainees /correctional officers, Stade Correctional Centre

	Community-based sentencing offenders/Community Justice Supervisors, Efate
	Wan Smol Bag
	VSA Volunteers
	Community-based sentencing offenders/Community Justice Supervisors, Efate
Wednesday 25/11	Community-based sentencing offenders/Community Justice Supervisors, Efate
Thursday 26/11	Chief Medical Officer Port Vila Hospital
	Red Cross. Nurse Contract Manager
	Community-based sentencing offenders/Community Justice Supervisors, Efate, Malekula
Friday 27/11	Magistrate
	Chief Inspector, Malekula Provincial Police
	<i>Probesen</i> officer, Malekula
	Chief Ombudsman
	Ombudsman, Technical Advisor
Monday 30/11 (public holiday)	MFAT Post, Manager (Development)
Tuesday 1/12	Co-ordinator, Senta Blong ol Women
	Opposition MP
	Manager, Law and Justice Institutional Strengthening Project
Wednesday 2/12	Community-based sentencing offenders/Community Justice Supervisors, Efate and Ohlen
	Detainees /correctional officers, Efate Women's Prison
Thursday 3/12	Team Leader, Technical Advisors
	Feedback Workshop
	AusAID, Programme Manager
Friday 4/12	Community-based sentencing offenders/Community Justice Supervisors, Anambaru
	Senior <i>Probesen</i> officer, Efate
	<i>Probesen</i> officer, Efate

	Director, Department of Women's Affairs
	Police Representative on the Corrections Task Force/past Deputy Police Commissioner
New Zealand Interviews	Previous MFAT Post staff member Programme Staff Department of Corrections (NZ)

APPENDIX FOUR: PROGRAM LOGIC AND MATRIX

Component - Outcomes	Performance Indicators / Evaluative Questions	Source
Overview level		
A well-run <i>DBKS</i> with the strategic, organisational and individual capacity to run an effective system	Reducing number of escapes. Offenders do not re-offend either while escaped, on temporary release or once released. Conditions meet the United Nations Principals for the Humane Treatment of Prisoners.	<i>DBKS</i> Statistics. Interviews with key stakeholders. Offender surveys.
1. Strengthening the institutional capacity of the <i>DBKS</i>		
Public safe	See components two and three	
Offenders rehabilitate and reintegrate	See components two and three	
Government officials and the public have confidence in <i>DBKS</i>	To what extent do VanGov officials and key community members support the changes to prisons?	Interviews with VanGov officials and key stakeholders
<i>DBKS</i> communicates effectively to protect the organisations reputation	To what extent are the media reports informed and positive?	Assess media reports
Correctional staff develop policy consistent with correctional philosophy	To what extent is the information being used to inform policy, and policy itself, being developed in partnership with technical advisors? To what extent is this policy consistent with good correctional practices?	Interviews with <i>DBKS</i> staff and management, and technical advisors
Effective management and leadership of <i>DBKS</i>	To what extent are managers and leaders providing clear and consistent direction for the <i>DBKS</i> ?	Interviews with <i>DBKS</i> staff and management, Law and Justice Sector actors, and technical

		advisors
Clear and effective management structure	To what does the management structure enable delivery of the strategy and business plan?	Interviews with <i>DBKS</i> staff and management, Law and Justice Sector actors, and technical advisors
Strong cultural identify (<i>DBKS</i>)	To what extent is <i>DBKS</i> developing a strong cultural identify that will assist in delivering their strategy and business plan?	Interviews with <i>DBKS</i> staff and management, Law and Justice Sector actors, and technical advisors
Communications strategy developed and implemented	To what extent is there a clear and purposeful strategy for communicating publically and with other VanGov stakeholders?	Documents. Interviews with <i>DBKS</i> staff and management, Law and Justice Sector actors, and technical advisors
Staff trained, understand and adopt correctional philosophy	To what extents does corporate office staff understand and are committed to the Correctional philosophy? To what extent do their actions support this view?	Interviews with <i>DBKS</i> staff and management, Law and Justice Sector actors, and technical advisors
Agreed vision and strategy for <i>DBKS</i>	To what extent is there an agreed vision and strategy for the <i>DBKS</i> ?	Documents. Interviews with <i>DBKS</i> staff and management, Law and Justice Sector actors, and technical advisors
<i>DBKS</i> legally established	<i>DBKS</i> established on time	Reporting
Law and Justice sector supports the work and interests of <i>DBKS</i>	To what extent to other actors in the sector support <i>DBKS</i> 's work?	Interviews with <i>DBKS</i> staff and management, Law and Justice Sector actors, and technical advisors
Government of Vanuatu committed to correctional philosophy	To what extent does the Minister and Prime Minister's Department support <i>DBKS</i> 's work? To what extent are decisions consistent with supporting the changes and the vision for <i>DBKS</i> ?	VanGov interviews

Appropriate, competent and effective technical advice	To what extent is the advice being provided helping ni-Vanuatu staff develop appropriate systems and products?	Assessing documented systems, Interviews with <i>DBKS</i> staff (including <i>DBKS</i> leadership and management) and <i>VCSP</i> staff, offender survey
2. Strengthening temporary correctional centres and develop required infrastructure		
Public safe	Incidents escapees, offenders on leave, or released offenders compromising public safety ⁵⁶	Interviews with <i>DBKS</i> staff (including <i>DBKS</i> leadership and management), and <i>VCSP</i> staff, interviews with other stakeholders
Offenders rehabilitate and reintegrate	To what extent are rehabilitation programs being undertaken and do these programs focus on priority rehabilitation needs? To what extent to offenders reintegrate into the community without reoffending?	Interviews with <i>DBKS</i> staff (including <i>DBKS</i> leadership and management), and <i>VCSP</i> staff, interviews with other stakeholders, MIS statistics, offender survey
Offenders managed safely, securely and humanely	Incidents occurring within or during transit where offenders are harmed or treated inhumanly. Number of escapes	Interviews with <i>DBKS</i> staff (including <i>DBKS</i> leadership and management), and <i>VCSP</i> staff, interviews with other stakeholders, offender survey
Correctional Centre design and conditions support effective offender management and humane containment	Has the permanent Port Vila prison been delivered and on-time? If not, why not? Could the <i>VCSP</i> have taken alternative action to mitigate risks? To what extent have the development of the temporary facilities led to appropriate containment (UN standards)? If not why not? Could the <i>VCSP</i> have taken alternative action to mitigate risks?	Observations, Interviews with <i>DBKS</i> staff (including <i>DBKS</i> leadership and management), and <i>VCSP</i> staff, interviews with other stakeholders, offender survey
Staff and management comply with policies and procedures	To what extent do the <i>DBKS</i> staff (incl. Prison Management) following the systems that have been developed? What evidence is there of	Assessing documentation, interviews with <i>DBKS</i> (including <i>DBKS</i> leadership and management)

⁵⁶ Completing sentences is often treated as a deterrent to other first time breaches of the law, and therefore, notionally linked with reduced crime. For the purposes of this assessment, sentences are not treated as a deterrent as it would not be possible to assess if (or to what extent) the crime rate was attributable to sentencing.

	recording of non-compliance and corrective response by management?	and VCSP staff, interviews with other stakeholders, offender survey
Well-trained correctional officers	To what extent has the training impacted of practice?	Assessing training package, interviews with <i>DBKS</i> (including <i>DBKS</i> leadership and management) and VCSP staff, interviews with other stakeholders, offender survey
Appropriate training programs developed and delivered	What training (or training opportunities) have been developed? To what extent was the training well received?	Assessing training package, interviews with <i>DBKS</i> (including <i>DBKS</i> leadership and management) and VCSP staff
Training needs of wardens identified	To what extent have the training needs of <i>DBKS</i> staff and management been identified to enable effective correctional centre operation and leadership?	Assessing training package, interviews with <i>DBKS</i> (including <i>DBKS</i> leadership and management) and VCSP staff, offender survey
Correctional Centres designed to support good management	To what extent to the facility development (temporary and permanent) meet the needs of short and long terms safe, secure, humane treatment, and rehabilitation of offenders?	Observations, Interviews with <i>DBKS</i> staff (including <i>DBKS</i> leadership and management), and VCSP staff, offender survey
Accurate and complete information about offenders	To what extent do the recorded information (MIS, Centre documentation) accurately reflect key information about offenders?	Interviews with <i>DBKS</i> staff (including <i>DBKS</i> leadership and management), and VCSP staff, offender survey
Clear and appropriate operational policies and procedures	To what extent do the systems align with <i>DBKS</i> priorities? To what extent to the systems reflect ni-Vanuatu approaches and context? To what extent are the systems owned by the <i>DBKS</i> staff implementing systems?	Assessing and comparing documented systems with <i>DBKS</i> strategic documents, Interviews with <i>DBKS</i> staff (including <i>DBKS</i> leadership and management), offender survey
Appropriate, competent and effective technical advice	To what extent is the advice being provided helping ni-Vanuatu staff develop appropriate systems and products?	Assessing documented systems, Interviews with <i>DBKS</i> staff (including <i>DBKS</i> leadership and

3. Develop an effective [community-based sentencing] (including probation) system

Public safe	Incidents of offenders having undertaken community-work and/or supervision who have re-offended, and parolees have re-offended while on parole.	Interviews with <i>DBKS</i> staff (including <i>DBKS</i> leadership and management), and VCSP staff, interviews with other stakeholders
Correctional costs minimised	To what extent has community-based sentencing reduced the need for costly detainment of offenders?	Statistical assessment and general judgements about detainee numbers
Government officials and the public have confidence in <i>DBKS</i>	To what extent do VanGov officials and other community stakeholders have confidence in <i>DBKS</i> ?	Stakeholder interviews
<i>DBKS</i> communicates effectively to protect the organisations reputation	See 'Overall'	
Offenders rehabilitate and reintegrate	To what extent are community-based sentences appearing to be influencing offender attitudes and behaviour? How many offenders have been recalled and/or re-offending? To what extent to offenders reintegrate into the community without reoffending?	Survey of offenders, interviews with <i>Probesen</i> Officers, <i>DBKS</i> staff (including <i>DBKS</i> leadership and management), community justice supervisors, parole board members, judiciary, other community stakeholders, and advisors
Offenders complete/comply with their conditions/requirements	To what extent are offenders completing their community-based sentence?	Offender survey, interviews with community justice supervisors, <i>Probesen</i> Officers, parole board members, judiciary, and technical advisors
Staff and management comply with policies and procedures	To what extent does <i>Probesen</i> staff comply with <i>Sevis</i> policy and procedures?	Offender survey, interviews with community justice supervisors, <i>Probesen</i> Officers and Managers, technical advisors
Offenders doing community-based	To what extent are offenders supervised in the community?	Survey of offenders, interviews with <i>Probesen</i>

sentences effectively supervised in the community		Officers, community justice supervisors, and technical advisors
Where appropriate, offenders given community-based sentences, including probation	Statistical trends in sentencing. To what extent are offenders being given community-based sentences in situations where this is warranted, and the offender presents a low-risk to re-offending?	DBKS staff (including DBKS leadership and management), judiciary, and technical advisors
<i>Probesen</i> officers' reports appropriate for good decision-making by the Judiciary and Parole Boards	To what extent do the reports enable the parole boards to make efficient and effective decisions? Number of requests for additional information. Percent of reports provided on-time.	Interviews with <i>Probesen</i> Officers and Managers, parole board members, judiciary, and technical advisors
Clear and appropriate operational policies and procedures	To what extent are the policies and procedures clear and enable effective decision-making with the right level of autonomy?	Survey of offenders, interviews with <i>Probesen</i> Officers, and technical advisors
Communications strategy developed and implemented	See 'overall'	
Law and Justice sector supports the work and interests of DBKS	To what does the sector work together and to what extent are their individual activities complementary?	DBKS staff (including DBKS leadership and management), judiciary, agents from other projects, and technical advisors
Probation boards established and operating effectively	To what extent are the boards meeting as required, and are able to make informed, evidence-based decisions?	Interviews with <i>Probesen</i> Officers and Managers, parole board members, judiciary, other community stakeholders, and technical advisors
Appropriate, competent and effective technical advice	To what has the advice been enabled the development of the right products or services at the right time? To what extent has the approaches maximised the capacity development of ni-Vanuatu staff and helped ownership and commitment?	Interviews with <i>Probesen</i> Officers and Managers, DBKS staff (including DBKS leadership and management), and technical advisors

APPENDIX FIVE: DETAILED METHODOLOGY

Limitations of the Study

1. The evaluation was designed to meet minimum evidence requirements given the logistics and limited availability of evaluative resource. This means that where the intended design was not able to be implemented, the evidence was less substantial than had been planned. The evaluation team would have liked to have completed interviews with the Chair of the Correctional Services Taskforce (three appointments scheduled), Police Commissioner (three appointments scheduled)⁵⁷, and the Public Prosecutor (two contacts made)⁵⁸. However, in most instances, the conformity of the available evidence suggests that additional evidence may have had little or no bearing on the findings. The one possible exception being the re-appointed chair of recent re-established Corrections Taskforce. This person was the chair of the original taskforce set-up to oversee the establishment and early implementation of the project. The Chair is likely to have had useful information regarding political commitment and influence in the initiation and operation during the first five years, including when the VMF became involved during in 2008. This limited the evaluations assessment with regard to the political environment.
2. Quotas of 30 completed surveys for the correctional centres' detainees' and offenders undertaking community-based sentences were agreed – 32 were completed for each. This was a base number designed to match available resources with a minimum sample size given the extent to which generalisations about the two populations were required. As the evaluators intended only generalising about the two overall populations, rather than, for example, individual correctional centres, sample quotas of 30 surveys were considered appropriate. However, this has meant that sub-group comparisons were not possible (e.g. comparing probation and community work sub-populations).
3. The sampling frame for the survey of detainees represented the detainee population. However, the sample frame for offenders undertaking community-based sentences excluded offenders from the TORBA, PENAMA and TAFEA provinces, meaning the sample frame represented 94 percent of the population. In addition, offenders from the other three provinces who were not on the main islands of the province or who were in remote locations on those islands, were included in the sample frame, but rejected from the quota for logistical reasons. The reported response rate of 59 percent takes into account these exclusions, and shows the degree to which offenders doing community-based sentences are residing on the main island of those provinces and the degree to which they are residing in

⁵⁷ One interviews with police officers were completed.

⁵⁸ The timing of the fieldwork was unfortunate as it coincided with Law Week (staggered by location over three weeks), affecting participant availability and meaning re-scheduling many interviews once or twice to fit in with the Law Week schedule.

or close to the main towns on those islands. However, given these exclusions, it is possible that the sample has a minor urban influence.⁵⁹

Assessing Effectiveness and Sustainability

4. The Steering Group asked for both effectiveness and sustainability to be assessed as they want clear evidence of the progress to date, and the degree to which changes appear to be sustainable. This assessment was also seen as important for identifying learnings and improvements that could strengthen future project design and delivery. The approach used to assess effectiveness was to develop a program logic based on the Project Design Document, informed by subsequent deliberate policy shifts, and confirmed through discussion of key stakeholders to map out the intended outcomes and degree anticipated from the Project. The program logic included a summary of the intended hierarchy of outcomes (cause-and-effect chain) and a supporting matrix showing the methods for determining progress (performance indicators and information sources). The logic is separated into three parts aligned to the three main components of the Project: strengthen the institutional capacity of the *DBKS*; strengthening temporary correctional centres and develop required infrastructure; and develop an effective [community-based sentencing] (including probation) system (see Appendix Four: Program Logic and Matrix, p. 104). The program logic and supporting matrix was used as a key reference for shaping evaluation instruments including the development of surveys and sampling frameworks, interview guides and observation checklists.
5. The survey questionnaires administered to correctional centre detainees and community-based sentenced offenders were both designed and managed in a similar way. The surveys were administered to a random sample of current (17 November 2009) offenders either in detainment or undertaking a community-based sentence. The sample, with replacements, was selected from lists queried from the Offender Database which appears to include complete information about all offenders undertaking sentences or on remand either awaiting charge or sentencing⁶⁰. Each offender within the two sample frames was numbered, with a random number being generated to select a quota of participants. Two lists of additional (replacement) participants were also selected to replace unsuccessfully completed questionnaires from each quota: 30 percent more for detainees, and 50 percent more for those doing community-based sentences. Replacements were drawn from the top of list.
6. The surveys were administered face-to-face, with at least two evaluation team members present. Participants were given the option of completing the verbally-based questionnaire in Bislama or English language, and the Government of Vanuatu representative, Tavi, attended all surveys to

⁵⁹ Depending on the percent estimate, the sampling error varied between 16 (i.e. 50 percent) and 3 (i.e. 99 percent) percent.

⁶⁰ See below for a discussion on how each set of participants were randomly selected.

provide translation in addition to helping administer the questionnaires. Just two surveys were administered in English, and some were completed in English and Bislama. The surveys were conducted in either closed offices or in a separate area so officers (correction or probation) could not hear what information was being provided by the participant. All participants were assured of the voluntary and confidential nature of their involvement, as well as the option of withdrawing at anytime, at the start and end of the process. All completed surveys were coded, with participant lists being kept separate and secure at all times (these have now been destroyed).

Correctional Centres

7. The focus for assessing progress within the correctional centres the degree to which safe and humane conditions had been established, the degree to which detainment had been achieved, and the extent to which a correctional philosophy (including rehabilitation) had been achieved. Each of these outcome areas have a range of associated outcomes, some more immediate and others more likely to occur over time. The matrix specifies how progress towards each of these end-state outcomes could be assessed, include which evaluation instruments would be used.
8. A key focus area for the Project was to improve the Centres to ensure the safe and humane treatment of detainees. The United Nations Standard Minimum Rules for the Treatment of Prisons (see Appendix eight, p. 145) was used as the basis for developing judgements as this document and the associated criteria had been referred to in public discussion in Vanuatu and in the Project design documentation, as it is a well-regard and appropriate international standard for correctional centres. The relevance of the criteria and applicable rules were also confirmed during stakeholder interviews, including with representatives from the Office of the Vanuatu Prime Minister, and senior staff in the Law and Justice Ministry.
9. Three instruments were developed for investigating progress of the correctional centres: a checklist (and standards) for direct observation while attending each centre; a survey administered to a random sample of detainees; and interview guide for Correctional Officers and Prison Managers. In addition, key documentation was assessed including planning documents, operational manuals, the training package, and key statistics.
10. The Correctional Centre Checklist was completed for each of the Centres currently operating, that is, Port Vila Correctional Centre (ex-British prison), Stade Correctional Centre (ex-French Prison in Port Vila), Women's Correctional Centre (Port Vila), and Luganville Correctional Centre (Espiritu Santo). The checklist was administered by Team Member Bell due to his experience in assessing correctional facilities, with the exception of the Women's Correction Centre which was assessed by Kibblewhite and Tavi. Where multiple visits were made, the assessments were confirmed at subsequent visits.

11. In addition, to the general information on administering the surveys described on page 111, the following approach specific to correctional centres was undertaken. The list of detainees was grouped by correctional centre, by status, and by alphabetical order using surname. A quota was calculated for each centre (30 in total), and a random sample taken for each. A response rate of 94 percent was achieved (32 completed surveys), reflecting the availability of detainees and their willingness to share their experiences while in detention. The comparison of the quota and completed survey proportions from each centre indicate the sample is sufficiently representative of the overall detainee population. The detainees were called to an enclosed and sound-proof office (with interviewers only), informed of their purpose of the work and given the option to participate or not (without prejudice). On completion they were informed of the forward evaluation process and again given the opportunity of withdrawing. The detainee then returned to their units.
12. Interviews with correctional officers (including principal and senior officers) and prison managers were conducted to provide evidence across all performance dimensions, including conditions, conduct and behaviour in correctional centres; and with regard to changes in strengthening the correctional centres (temporary and required infrastructure). The interview guides were developed in advance, with the same main questions being administered to each interviewee. These interviews were conducted in English. Where possible, the principal and at least one senior and one lower-level correctional officer were included from each centre. The principal and senior officers who were on duty at the time of the visit were selected, and the evaluation team, selected the lower-level officer who were to be included. All officers agreed to be interviewed. Other semi-structured interviews were undertaken to provide additional evidence included *DBKS* management and staff, medical officers, and civil society organisations.

Community-based Sentences

13. The logic developed for this component is laid out under Component Three, Appendix Four: Program Logic and Matrix (see p. 104). The logic identified a range of important outcomes with which this VCSP is responsible or is intended to make a significant contribution to. Key evaluation instruments were developed to provide robust evidence to inform progress towards these outcomes, include survey questionnaires for offenders; and interview guides for community representatives and supervisors, the judiciary, parole board representatives, *DBKS* management and staff, donors and people involved in implementing donor projects.
14. Over and above, the general information about the surveys described on page 111, the following approach was taken for offenders undertaking community-based sentencing. The lists of offenders undertaking community-based sentences were grouped by the administrative island grouping, sentence type, then alphabetical. For logistical reasons, a key

decision was taken to reduce the sample frame from all offenders to those Efate, Espiritu Santo and Malekula. This therefore provided a manageable number of survey sites, while ensuring the sample frame covered a significant proportion (94 percent) of the overall community-based offender population. Tanna and Pentecost were dropped from the frame as they had the smallest offender populations.

15. The proportional representation of the remaining populations was calculated and a quota of offenders determined for each irrespective of sentence type (i.e. probation, community work and supervision). A list of potential participants for each group was obtained including 50 percent over sampling to ensure a reasonable number of replacement samples. The evaluation team made the decision to undertake offender surveys in Luganville (Espiritu Santo) and Port Vila on Efate, plus three village clusters in Efate and three sites in Malekula. Offenders residing in locations too far from these sites were excluded from the sample as this would have placed too much burden on the potential participants⁶¹. A return bus fare was paid to offenders travelling to participate in the survey. Eleven potential participants were removed from the sample by the evaluation team, and two invited participants did not attend, meaning the community-based sentencing survey had a response rate of 59 percent⁶². This indicates that the sample is sufficiently representative of the population of offenders undertaking community-based sentences for assertions about the sample to be representative of the population.
16. The Community Justice Supervisors supervising the offenders who were surveyed in their villages were invited to be interviewed. Four interviews were completed with Community Justice Supervisors using a preset Interview Guide. The Guide was developed in reference to the Program Logic and Matrix (see p.104), and where appropriate the same question was asked of other sources (e.g. judicial members) to ensure multiple data sources and analytical rigour.

Analysis

17. The data from the fieldwork was recorded and analysed (including critically assessing the information source) as indicated in Table 5: Analysis (see below). The interests of people, as assessed in the Stakeholder Analysis (See Evaluation Plan, p. 81), were taken into account when analysing the information and determining findings.

Table 5: Analysis

Method	Approach
Interviews	Notes written by interviewer/s during interviews. Notes written-up and entered into the evaluation matrix. Source assessed (see stakeholder analysis). Emerging themes and contradicting evidence noted.

⁶¹ Treated as non-completed surveys when calculating the response rate.

⁶² The high prevalence of cell phones made contacting offenders easy, and offenders seemed very willing to participate.

Checklists	Checklists completed during visits (one per centre). Checklists written-up and summary assessment made. Each list compared and a summary assessment made taking into account all four lists.
Surveys	Survey sheet completed during interview. Responses transcribed into Excel. Results tabulated – non-responses included.

Ethics

18. Ethical considerations were managed in-line the (Evaluation Plan, p.81). In particular, all participants were informed of the purpose and use of the information, how their anonymity would be protected and their right to withdraw at any stage (see introduction in the Interview Guide, p.110). Information from surveys, interviews and observations were managed accordingly, with codes used so recorded information would not be personally identifying or traceable. Careful consideration was given to interpreting interview information from women participants as the interviewers were men, with the interviewer double-checking understandings with the participants during and at the end of the interview. Cultural sensitivity advice was provided by the ni-Vanuatu Team member and the advice was applied through-out the evaluation. In particular, the Team was careful to show their appreciation of more senior ni-Vanuatu participants, and they were given more latitude to control the flow of their interviews and the order with which the questions were asked.
19. On several occasions, allegations of violence against participants were raised. The interviewer checked for immediate risk and reminded each participant of complaint options. One detainee appeared significantly injured and the interviewer took special steps to ensure their conditions were not from their detainment and no risk existed. On one occasion a participant seemed very uncomfortable and anxious; the interviewer checked with the participant had safety concerns. The interview was ended and the information discarded.
20. No impediments to working opening and freely were encounter during the fieldwork The Evaluation Team was able to work

APPENDIX SIX: DBKS LEADERSHIP

The first Director of the *Dipatmen* was Maurice Kaloran who led the organisation from about a year from late-2006 to late-2007, after which he was appointed Director General of the Ministry of Justice and Social Welfare. From this time Michael Taun and Ben Moli took turns as Acting Director of the *DBKS*, until June 2008. Maurice Kaloran was later arrested (but not prosecuted) for releasing detainees several detainees considered to be high-risk on the basis of *kastom* practices.

APPENDIX SEVEN: SAMPLE ASSESSMENT

Table 6: Community-Based Sentence Offender Population

Island Group – Main Island	Probation	Community Work	Supervision	Population (17/11/09)	Percent of Population
Efate	61	40	52	153	61%
Espiritu Santo	53	4	14	71	28%
Malekula	2	11	2	15	6%
Sub-total	116	55	68	239	95%
Tanna	1	1	1	3	1%
Pentecoste	2	9	0	11	4%
Total	47%	26%	27%	253	100%

Table 7: Assessment of Community-Based Sentence Sample

Island Group Incl. in the Sample	Population (17/11/09)	Percent of Sample Pop.	Required Quota	Replacement Samples Used	Completed	Percent of Completed	Difference Between Sample and Pop.
Efate	153	64.3%	19 (19.3)	8	19	59.4%	-4.9%
Espiritu Santo	71	29.8%	9 (8.9)	4	8	25.0%	-4.8%
Malekula	15	5.9%	2 (1.8)	1	5	15.6%	+9.7%

Table 8: Assessment of Detainee Sample

Correctional Centres	Population (17/11/09)	Percent of Population	Required Quota	Replacement Samples Used	Completed	Percent of Completed	Difference Between Sample and Pop.
Port Vila Correctional Centre (ex-British)	69	37.1%	11 (11.1)	0	12	37.5%	+0.4%
Stade Correctional Centre (ex-French, Vila)	51	27.4%	8 (8.2)	1	9	28.1%	+0.7%
Women's Correctional Centre (Port Vila)	3	1.6%	3 (0.5)	0	2	6.3%	+4.6%
Luganville Correctional Centres (Espiritu Santo)	63	33.9%	10 (10.2)	1	9	28.1%	-5.7%

APPENDIX EIGHT: INTERVIEW GUIDES AND CHECKLISTS

Director General of *DBKS*

The partners involved in the Vanuatu-MFAT Correctional Services Project are carrying out an evaluation of the Project. The team includes Andrew Kibblewhite, Collin Tavi and Gren Bell from CNZ. The evaluation centers on four identifying achievements to date key lessons and improvements that could be included under the next three years of work.

The focus of our meeting today is to explain briefly how we're going about the work for your input, and to ask you some question so we can include your views in the evaluation.

The information is for use by all three partners and will be used to report on progress and to develop the most effective approach under the future work. Please note that the evaluation report will become a public document. If at any point you wish to impart any views that are "off the record" please let us know. In the report, we will not be attributing any views to particular individuals. Describe Evaluation approach

1. Can you describe how your involvement in the Vanuatu-MFAT Correctional Services Project to date?
2. As head of the Department, what is your vision for the Department? To what extent is the VCSP aligned with the needs of the department? What additional activities might the Project pick up to achieve closer alignment?
3. The VCSP has now been operating since 2006, what changes would you have expected see to date? To what extent has the Project meet your expectations of achievement? Can you give me examples? In what areas could more have been achieved and what might be some of the reasons for the pace of progress?
4. What changes would you expect to see by 2012 as a result of the VCSP?
5. Is the Department in a position to replace some of the work undertaken by the TAs, and what might assist the Department taking this work over? To what extent is the Department determining the priorities for the Project and guiding the work being undertaken by the TAs? What would need to happen for the Department to be making more decisions about the work priorities or the TAs and in guiding their work?
6. What changes would be required before MFAT and CNZ stop funding the Department, Correctional Centres and probation service?
7. What are some of the key activities that the TAs should focus on over the next three years?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Government Officials

The partners involved in the Vanuatu-MFAT Correctional Services Project are carrying out an evaluation of the Project. The team includes myself, Collin Tavi and Gren Bell from CNZ. The evaluation centers on four identifying achievements to date key lessons and improvements that could be included under the next three years of work.

The focus of our meeting today is to explain briefly how we're going about the work for your input, and to ask you some question so we can include your views in the evaluation.

The information is for use by all three partners and will be used to report on progress and to develop the most effective approach under the future work. Please note that the evaluation report will become a public document. If at any point you wish to impart any views that are "off the record" please let us know. In the report, we will not be attributing any views to particular individuals. Describe Evaluation approach

1. Can you describe your contact or involvement with the Vanuatu-MFAT Correctional Services Project to date?
2. What should be the role of Correctional Centres and probation/community sentencing in Vanuatu society? What should Correctional Centres and probation be like to suit Vanuatu custom (kastom)?
3. What is your understanding of what the MFAT-funded Project is trying to achieve? To what extent is this aligned with the needs of the Department, the justice sector and Vanuatu? How could the MFAT-funded project better support the needs of the Department, sector and Vanuatu?
4. MFAT has been funding the Project since 2006, what changes would you have expected since then? To what extent has the Project meet your expectations of achievement? Can you give me examples? In what areas could more have been achieved and what might be some of the reasons or barriers for the pace of progress?
5. What changes in the conditions of detainees in the Correctional Centres are you aware of? Have the human rights of detainees improved? Have you heard of any detainees being hurt by the staff in the Correctional Centres? When did this happen?
6. Has the Project focused on the right priorities? Are there any areas that they should have given more or less focus?
7. What achievement or improvements would you expect to see from the Department over the next three years? What would they need to do differently to achieve these things? What barriers would they need to overcome?
8. How could MFAT assistance?
9. How much influence has the TAs had on the decisions and priorities of the Department? What are the benefits and difficulties caused by this degree of influence?
10. If NZ were to reduce support in the Correctional Centres, is it likely that the Vanuatu government give more funding to the Department?
11. How ready is the Department (*DBKS*) to keep improving the management of the Correctional Centres and probation service?
12. What are some of the challenges with leadership, management, and staffing that the Department will need to meet in the future?
13. What needs to happen for work undertaken by the TAs to be taken over by ni-Vanuatu management and staff?
14. What changes would be required before MFAT and CNZ stop funding the Department, Correctional Centres and probation service?
15. To what extent do the different Departments in the Law and Justice Sector to work together to solve crime and re-offending? Would there be any benefit from the different Departments working together more? What are those benefits? What would need to be done to get the Departments to work better together?

16. Is there anything else you'd like to say about the changes to the *DBKS*, Correctional Centres, probation services or in the sector?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Judicial Officials

The partners involved in the Vanuatu-MFAT Correctional Services Project are carrying out an evaluation of the Project. The team includes myself, Collin Tavi and Gren Bell from CNZ. The evaluation centers on four identifying achievements to date key lessons and improvements that could be included under the next three years of work.

The focus of our meeting today is to explain briefly how we're going about the work for your input, and to ask you some question so we can include your views in the evaluation.

The information is for use by all three partners and will be used to report on progress and to develop the most effective approach under the future work. Please note that the evaluation report will become a public document. If at any point you wish to impart any views that are "off the record" please let us know. In the report, we will not be attributing any views to particular individuals. Describe Evaluation approach

1. Can you describe your contact or involvement with the Vanuatu-MFAT Correctional Services Project to date?
2. What should be the role of Correctional Centres and probation/community sentencing in Vanuatu society? What should Correctional Centres and probation be like to suit Vanuatu custom (kastom)?
3. What is your understanding of what the MFAT-funded Project is trying to achieve? To what extent is this aligned with the needs of the Department, the justice sector and Vanuatu? How could the MFAT-funded project better support the needs of the Department, sector and Vanuatu?
4. MFAT has been funding the Project since 2006, what changes would you have expected since then? To what extent has the Project meet your expectations of achievement? Can you give me examples? In what areas could more have been achieved and what might be some of the reasons or barriers for the pace of progress?
5. What changes in the conditions of detainees in the Correctional Centres are you aware of? Have the human rights of detainees improved? Have you heard of any detainees being hurt by the staff in the Correctional Centres? When did this happen?
6. Has the Project focused on the right priorities? Are there any areas that they should have given more or less focus?
7. What factors do you consider when deciding whether a Correctional Centre or community-based sentence is best? To what extent are provided with the information you need to make that decision? Does probation provide useful information?
8. To what extent do the community-based sentences align with custom (kastom)? What advantages or disadvantages do you see with the community-based sentencing approach?
9. To what extent are the offenders doing community-based sentences supervised? How can supervision be improved?

10. What achievement or improvements would you expect to see from the Department over the next three years? What would they need to do differently to achieve these things? What barriers would they need to overcome?
11. How could MFAT assistance?
12. How much influence has the TAs had on the decisions and priorities of the Department? What are the benefits and difficulties caused by this degree of influence?
13. If NZ were to reduce support in the Correctional Centres, is it likely that the Vanuatu government give more funding to the Department?
14. How ready is the Department (*DBKS*) to keep improving the management of the Correctional Centres and probation service?
15. What are some of the challenges with leadership, management, and staffing that the Department will need to meet in the future?
16. What needs to happen for work undertaken by the TAs to be taken over by ni-Vanuatu management and staff?
17. What changes would be required before MFAT and CNZ stop funding the Department, Correctional Centres and probation service?
18. To what extent do the different Departments in the Law and Justice Sector to work together to solve crime and re-offending? Would there be any benefit from the different Departments working together more? What are those benefits? What would need to be done to get the Departments to work better together?
19. Is there anything else you'd like to say about the changes to the *DBKS*, Correctional Centres, probation services or in the sector?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Police Officials

The partners involved in the Vanuatu-MFAT Correctional Services Project are carrying out an evaluation of the Project. The team includes myself, Collin Tavi (Vanuatu Prime Minister's Office) and Gren Bell from Corrections New Zealand. The evaluation centers on identifying achievements to date, key lessons and improvements that could be included under the next three years of work.

The following questions are to get your views on the changes to the Correctional Centres and the introduction of the Probation Service. The information is to be used by all three partners and will be used to report on progress of the initiative and to identify improvements for the future work. Please note that the evaluation report will become a public document. If you wish to not complete the questions or for your answers to be "off the record" please let me know. The report will not attribute any views to particular individuals.

1. Can you describe for me your past involvement with the new Department of Correctional Services? i.e. The Department, Correctional Centres and Probation Service.
2. Can you tell me what the Prisons were like before the new Correctional Services Department was established?
3. What should be the role of Correctional Centres and probation/community sentencing in Vanuatu society? What should Correctional Centres and probation be like to suit Vanuatu custom (*kastom*)?

4. What is your understanding of what the MFAT-funded Project is trying to achieve? To what extent is this aligned with the needs of the Department, the justice sector and Vanuatu? How could the MFAT-funded project better support the needs of the Department, sector and Vanuatu?
5. MFAT has been funding the Project since 2006, what changes would you have expected since then? To what extent has the Project meet your expectations of achievement? Can you give me examples? In what areas could more have been achieved and what might be some of the reasons or barriers for the pace of progress?
6. What changes in the conditions of detainees in the Correctional Centres are you aware of? Have the human rights of detainees improved? Have you heard of any detainees being hurt by the staff in the Correctional Centres? When did this happen?
7. Has the Project focused on the right priorities? Are there any areas that they should have given more or less focus?
8. Can you tell me about how the Police became involved in the Centres again in December 2008 until August 2009? What were the advantages and disadvantages from Police involvement?
9. How well did Police and civilian Correctional Officers work together during this time? How could this have been improved?
10. If disruption in the Correctional Centres were to occur again, would the Police want to go back into the Centres? If so, why? If not, why not? [Port Vila]
11. How do the Correctional Centres need to be managed so Police do not need to be involved again? [Port Vila]
12. What achievement or improvements would you expect to see from the Department over the next three years? What would they need to do differently to achieve these things? What barriers would they need to overcome?
13. How could MFAT assistance?
14. How much influence has the TAs had on the decisions and priorities of the Department? What are the benefits and difficulties caused by this degree of influence?
15. If NZ were to reduce support in the Correctional Centres, is it likely that the Vanuatu government give more funding to the Department?
16. How ready is the Department (*DBKS*) to keep improving the management of the Correctional Centres and probation service?
17. What are some of the challenges with leadership, management, and staffing that the Department will need to meet in the future?
18. What needs to happen for work undertaken by the TAs to be taken over by ni-Vanuatu management and staff?
19. What changes would be required before MFAT and CNZ stop funding the Department, Correctional Centres and probation service?

20. To what extent do the different Departments in the Law and Justice Sector to work together to solve crime and re-offending? Would there be any benefit from the different Departments working together more? What are those benefits? What would need to be done to get the Departments to work better together?
21. There have been a lot of accusations of assaults of detainees between December last year and August this year? Where their incidents and how were they handled at the time?
22. What role do you see for the Police when an assault complaint is made by a detainee in a Correctional Centre?
23. Is there anything else you'd like to say about the changes to the *DBKS*, Correctional Centres, Probation Service or in the sector?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Technical Advisors

The partners involved in the Vanuatu-MFAT Correctional Services Project are carrying out an evaluation of the Project. The team includes myself, Collin Tavi and Gren Bell from CNZ. The evaluation centers on four identifying achievements to date key lessons and improvements that could be included under the next three years of work.

The focus of our meeting today is to explain briefly how we're going about the work for your input, and to ask you some question so we can include your views in the evaluation.

The information is for use by all three partners and will be used to report on progress and to develop the most effective approach under the future work. Please note that the evaluation report will become a public document. If at any point you wish to impart any views that are "off the record" please let us know. In the report, we will not be attributing any views to particular individuals. Describe Evaluation approach

1. Can you tell me when you arrived (or periods on assignment) and briefly your role in the project?
2. What specific tasks are you responsible for?
3. Please describe how you've gone about the work for each task?
4. What was in-place for each of these tasks before the Project started?
5. What changes would you have expected to-date with regard to each of the tasks? To what extent has the Project meet your expectations of achievement? Can you give me examples and when were these things achieved? In what areas could more have been achieved and what might be some of the reasons or barriers for the pace of progress?
6. What changes in the conditions of detainees in the Correctional Centres are you aware of? Have the human rights of detainees improved? Have you heard of any detainees being hurt by the staff in the Correctional Centres? When did this happen/details? How were these things investigated and by whom? What avenues do detainees have to make complaints and is there a documented, auditable complaints system?
7. Do released offenders or offenders on probation/community-based sentences re-offend? The rate of re-offending appears low, in your experience is this right? If not, why not?

8. To what extent have the work being undertaken aligned with the needs of the Department, the justice sector and Vanuatu? How could the Project better support the needs of the Department, sector and Vanuatu?
9. Has the Project focused on the right priorities? Are there any areas that they should have given more or less focus?
10. What should Correctional Centres and probation be like to suit Vanuatu custom (kastom)?
11. What work to rehabilitate and prepare offenders for re-integration have been undertaken since 2006? Please describe in detail – when, for how long, with how many offenders, how were offenders identified for the programs? etc
12. What factors do you believe the judges consider when deciding whether a Correctional Centre or community-based sentence is best? To what extent are they provided with the information they need to make that decision? Does probation provide useful information?
13. To what extent do the community-based sentences align with custom (kastom)? What advantages or disadvantages do you see with the community-based sentencing approach?
14. To what extent are the offenders doing community-based sentences being supervised? What community activities are detainees typically required to engage in when serving community sentences? Do you consider these activities are appropriate / relevant to redress and rehabilitation? How can supervision be improved?
15. What achievement or improvements would you expect to see from the Department over the next three years? What would they need to do differently to achieve these things? What barriers would they need to overcome?
16. How could MFAT assistance?
17. How much influence have the TAs had on the decisions and priorities of the Department? What are the benefits and difficulties created by this degree of influence?
18. If NZ were to reduce support in the Correctional Centres, is it likely that the Vanuatu government would give more funding to the Department? What would happen with the Department, Correctional Centres and probation?
19. How ready is the Department (*DBKS*) to keep improving the management of the department, Correctional Centres and probation service?
20. What are some of the challenges with leadership, management, and staffing that the Department will need to meet in the future?
21. What needs to happen for work undertaken by the TAs to be taken over and sustained by ni-Vanuatu management and staff?
22. What changes would be required before MFAT and CNZ stop funding the Department, Correctional Centres and probation service?
23. To what extent do the different Departments in the Law and Justice Sector to work together to solve crime and re-offending? Would there be any benefit from the different Departments working together more? What are

those benefits? What would need to be done to get the Departments to work better together?

24. Is there anything else you'd like to say about the changes to the *DBKS*, Correctional Centres, probation services or in the sector?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Community Service Organisations

The partners involved in the Vanuatu-MFAT Correctional Services Project are carrying out an evaluation of the Project. The team includes myself, Collin Tavi and Gren Bell from CNZ. The evaluation centers on four identifying achievements to date key lessons and improvements that could be included under the next three years of work.

The focus of our meeting today is to explain briefly how we're going about the work for your input, and to ask you some question so we can include your views in the evaluation.

The information is for use by all three partners and will be used to report on progress and to develop the most effective approach under the future work. Please note that the evaluation report will become a public document. If at any point you wish to impart any views that are "off the record" please let us know. In the report, we will not be attributing any views to particular individuals. Describe Evaluation approach

1. Can you describe your contact or involvement with the Vanuatu-MFAT Correctional Services Project to date?
2. What should be the role of Correctional Centres and probation/community sentencing in Vanuatu society? What should Correctional Centres and probation be like to suit Vanuatu custom (kastom)?
3. What is your understanding of what the MFAT-funded Project is trying to achieve? To what extent is this aligned with the needs of the Department, the justice sector and Vanuatu? How could the MFAT-funded project better support the needs of the Department, sector and Vanuatu?
4. MFAT has been funding the Project since 2006, what changes would you have expected since then? To what extent has the Project meet your expectations of achievement? Can you give me examples? In what areas could more have been achieved and what might be some of the reasons or barriers for the pace of progress?
5. What changes in the conditions of detainees in the Correctional Centres are you aware of? Have the human rights of detainees improved? Have you heard of any detainees being hurt by the staff in the Correctional Centres? When did this happen?
6. Do released offenders or offenders on probation/community-based sentences re-offend? The rate of re-offending appears low, in your experience is this right? If not, why not?
7. What achievement or improvements would you expect to see from the Department, Correctional Centres and probation over the next three years? What would they need to do differently to achieve these things? What barriers would they need to overcome?
8. What role could MFAT take over the next three years?

9. How much influence has the TAs had on the decisions and priorities of the Department? What are the benefits and difficulties caused by this degree of influence?
10. If NZ were to reduce support in the Correctional Centres, is it likely that the Vanuatu government give more funding to the Department?
11. How ready is the Department (*DBKS*) to keep improving the management of the Department, Correctional Centres and probation service?
12. What are some of the challenges with leadership, management, and staffing that the Department will need to meet in the future?
13. What needs to happen for work undertaken by the TAs to be taken over by ni-Vanuatu management and staff?
14. What changes would be required before NZ stop funding the Department, Correctional Centres and probation service?
15. To what extent do the different Departments in the Law and Justice Sector to work together to solve crime and re-offending? Would there be any benefit from the different Departments working together more? What are those benefits? What would need to be done to get the Departments to work better together?
16. How can NGOs support the Department, Correctional Centres or probation in the future?
17. Has the Project focused on the right priorities? Are there any areas that they should have given more or less focus?
18. To what extent do the community-based sentences align with custom (*kastom*)? What advantages or disadvantages do you see with the community-based sentencing approach?
19. To what extent are the offenders doing community-based sentences supervised? How can supervision be improved?
20. From your knowledge, what work to rehabilitate and prepare offenders for re-integration have been undertaken since 2006? Describe what you know of these program
21. What type of criminal offences is being committed? Is crime increasing/decreasing? What types of offences are being more common? What are the factors causing crime?
22. Is there anything else you'd like to say about the changes to the *DBKS*, Correctional Centres, probation services or in the sector?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Business Interests

The partners involved in the Vanuatu-MFAT Correctional Services Project are carrying out an evaluation of the Project. The team includes myself, Collin Tavi (Vanuatu Prime Minister's Office) and Gren Bell from Corrections New Zealand. The evaluation centers on identifying achievements to date, key lessons and improvements that could be included under the next three years of work.

The following questions are to get your views on the changes to the Correctional Centres and the introduction of the Probation Service. The information is to be used by all three partners and will be used to report on progress of the initiative and to identify improvements for the future work. Please note that the evaluation report will become a public document. If you wish to not complete the questions or for your answers to be "off the record" please let me know. The report will not attribute any views to particular individuals.

1. Can you describe your contact or involvement with the Vanuatu Correctional Services since 2005?
2. I understand from the New Zealand High Commission that Business Against Crime expressed public views on the mass escaping of detainees from a Port Vila Correctional Centre in December 2008. Can you please describe these views and the reason for them?
3. What is your understanding of what the MFAT-funded project to support the development of the Vanuatu Correctional Services is trying to achieve? To what extent is this aligned with the needs of the Department, the justice and law sector and the needs of Vanuatu? How could the project better support the needs of the Department, sector and Vanuatu?
4. What should be the role of Correctional Centres (Correctional Centres) in Vanuatu society? How should the Centres align with Vanuatu kastom?
5. What should be the role of the Vanuatu Probation Service and community-based sentences (probation, community work, supervision) be in Vanuatu society? How should the community-based sentences, and how they are managed, be aligned with Vanuatu kastom?
6. MFAT has been funding the Project since 2005, what changes would you have expected since then? To what extent has the Project (or changes to the Correctional Services) meet your expectations of achievement? Can you give me examples? In what areas could more have been achieved and what might be some of the reasons or barriers for the pace of progress?
7. Has the development of the Department of Correctional Services focused on the right priorities? Are there any areas that they should have given more or less focus?
8. Do released detainees or offenders on probation/community-based sentences re-offend? The rate of re-offending appears low, in your experience, is this right? If not, why not?
9. From your knowledge, what work to rehabilitate and prepare offenders for re-integration has been undertaken since 2006? Describe what you know of these program
10. What achievement or improvements would you expect to see to:
 - a. the Department, Correctional Centres over the next three years? What would they need to do differently to achieve these things? What barriers would they need to overcome?
 - b. the Probation Service and community-based sentencing over the next three years? What would they need to do differently to achieve these things? What barriers would they need to overcome?
11. What role could MFAT take during the next three years?

12. How ready is the Vanuatu Department of Correctional Service to keep improving the management of the Department, Correctional Centres and the Probation Service?
13. What are some of the challenges with leadership, management, and staffing that the Department will need to meet in the future?
14. What changes would be required before New Zealand should stop supporting the Vanuatu Department of Correctional Service?
15. To what extent do the different departments in the Law and Justice Sector work together to stop and solve crime and stop re-offending? Would there be benefit from the departments working together more? What are those benefits? What would need to be done to get the departments to work better together?
16. How can Non-Governmental Organisations support the Vanuatu Department of Correctional Services in the future?
17. Is there anything else you'd like to say about the changes to the Department of Correctional Services, Probation Service or the sector?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Detainees in Correctional Centres

The Vanuatu and New Zealand governments are preparing a report on the progress to improve Correctional Centres and sentencing in Vanuatu. The team doing this is Andrew Kibblewhite from MFAT, Collin Tavi from the Prime Minister's Office, and Gren Bell from Corrections New Zealand.

The report will talk about the conditions in Correctional Centres and how the Correctional Centres are run. The focus of this interview is to ask you about conditions [in this Correctional Centre](#). The information will be included in a report that will be made available publically. If at any point you wish to say anything that you don't want to go in the report, please let us know. The report will NOT mention your name or identify you.

Can I check that you understand that what you say will be included in the report, but your identify will be kept private, and that you can stop this interview at any time?

Record- Sex: **Male** / **Female**

Status: **Sentenced** / **Remand**

The offenders will be asked to answer the following background questions:

- 1 How old are you?
- 2 How long have you been in this prison (est. months)?
- 3 Is this your first time in prison?
- 4 Who is the manager (boss) of this prison?

The detainee will be asked to identify their response to the following questions on the scale below shown to them on a separate piece of paper and also read to them i.e. For the following questions I need you to identify what you think using a list of statements after I have read you a question. The statements are ... Once I read the question to you tell me, or point to, the statement that best says what you want to say.

6 - Don't know, 5 - Strongly Agree; 4 - Agree; 3 - Neither agree or disagree; 2 – Disagree; 1 - Strongly disagree.

- 5 I'm allowed visitors in this prison.
- 6 I can work in this prison if I want to.
- 7 I don't have to work if I don't want to.

- 8 I get paid if I work.
- 9 I can wash my cloths and bedding if I need to in this prison.
- 10 The food is okay in this prison.
- 11 I get food regularly.
- 12 I feel safe in this prison.
- 13 I can always tell someone if I feel unsafe in this prison.
- 14 Staff will take action to make me safe.
- 15 If I am sick, I get help and can see a doctor in this prison.
- 16 I can see the Prison Manager if I ask to in this prison.
- 17 I am able to make a complaint in this prison.
- 18 I feel safe when I make a complaint in this prison.
- 19 I get an answer if I make a complaint.
- 20 Prisoners know what the rules are in this prison.
- 21 Prisoners follow the rules in this prison.
- 22 Prisoners not following the rules get away with it in this prison.
- 23 Staff explain the rules clearly in this prison.
- 24 Staff follow the rules in this prison.
- 25 Staff let prisoners get away with breaking the rules in this prison.
- 26 This prison is better now than when I first arrived.
- 27 Staff hit or beat prisoners in this prison.
- 28 The staff treat you fairly in this prison.
- 29 How you are treated in this prison depends on which staff are on duty.

The next few questions don't use this sheet, Please just tell me what you think.

- 30 What changes have there been in this prison during this year?
- 31 Are you aware of prisoners being hit or beaten by staff in this prison?
When did this occur?
- 32 Is there anything-else you'd like to tell me about this prison, the conditions here, or the staff?

Thank you, everything you've told me will be kept confidential and from people in authority – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Probation Officers

The Vanuatu and New Zealand governments are preparing a report on the progress to improve prisons, and to introduce community-based sentences in Vanuatu.

The team doing this is Andrew Kibblewhite from MFAT, Collin Tavi from the Prime Minister's Office, and Gren Bell from Corrections New Zealand.

The focus of this interview will be about the probation, community work and supervision work of the probation officers. The information you provide will be included in a report that will be made available publically. If at any point you wish to say anything that you don't want to go in the report, please let us know. The report will NOT mention your name or identify you.

Can I check that you understand that what you say will be included in the report, but your identify will be kept private, and that you can stop the interview at any time?

1. Can you tell me what you were doing before coming a probation officer?
2. How long have you need a probation officer and can you describe for me what you do as a probation officer?
3. How many offenders do you work with?
4. To what extent do the community-based sentences align with custom (kastom)? What advantages or disadvantages are there with community-based sentences?
5. Can you describe for me the conditions or requirements for i) community workers ii) offenders on probation, iii) offenders being supervised?
6. What do you do when offenders break their conditions? Are offenders imprisoned for breaking their conditions?
7. What training have you received so far? How have you used this training? What was the training like? What more training do you need?
8. What help do the offenders need from you?
9. Tell me about the relationship between offenders and probation officers?
10. How often do you see the Probation Technical Advisor, Maryann? Describe to me the work you do together? Is the way you work together helpful? What more help would you like from Maryann?
11. What would happen if Maryann's job was finished?
12. What extra help would you like for offenders doing community-based sentences?
13. Do offenders doing community-based sentences get into trouble again? What happens to them? Are these issues taken care-of in the villages? Do the chiefs get involved?
14. How ready is the Department (*DBKS*) to keep improving the management of the Correctional Centres and probation service?
15. What are some of the challenges with leadership, management, and staffing that the Department will need to meet in the future?
16. What needs to happen for work undertaken by the TAs to be taken over by ni-Vanuatu management and staff?
17. What changes would be required before MFAT and CNZ stop funding the Department, Correctional Centres and probation service?
18. Is there anything else you'd like to say about the work you do?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Correctional Officers in Correctional Centres

The Vanuatu and New Zealand governments are preparing a report on the progress to improve Correctional Centres, and to introduce community-based sentences in Vanuatu.

The team doing this is Andrew Kibblewhite from MFAT, Collin Tavi from the Prime Minister's Office, and Gren Bell from Corrections New Zealand.

The focus of this interview will be about the probation, community work and supervision work of the probation officers. The information you provide will be included in a report that will be made available publically. If at any point you wish to say anything that you don't want to go in the report, please let us know. The report will NOT mention your name or identify you.

Can I check that you understand that what you say will be included in the report, but your identify will be kept private, and that you can stop the interview at any time?

1. Can you tell me what you were doing before becoming a corrections officer?
2. How long have you been a corrections officer and can you describe for me what you do as a corrections officer?
3. What information or support do you use to help you do your job?
4. When was the last time you used the Unit Operations Manual? What information did you look at?
5. Do detainees/prisoners have a Sentencing Plan? How do you use them? How can they be more useful?
6. To what extent does Correctional Centre align with custom (kastom)? What advantages or disadvantages are there of 'kastom' in this Correctional Centre? How could this Correctional Centre better include kastom?
7. What do you do when detainees/prisoners break the rules? Are offenders charged when they break the rules? How?
8. What training have you received so far? How have you used this training? What was the training like? What more training do you need?
9. What help do the detainees/prisoners need from you?
10. Tell me about the relationship between detainess/prisoners and correctional officers?
11. How often do you see the Correctional Centres Technical Advisor? Describe to me the work you do together? Is the way you work together helpful? What more help would you like from the Advisor?
12. What would happen if the Advisor's job was finished?
13. What extra help would you like for detainees/prisoners?
14. What are some of the challenges that you face as a correctional officier?
15. Do detainees/prisoners when they are released get into trouble again? What happens to them? Are these issues taken care-of in the villages? Do the chiefs get involved?
16. How ready is the Department (*DBKS*) to keep improving the management and running of the Correctional Centres?
17. Is there anything else you'd like to say about the work you do?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Offenders Receiving Probation/Community Sentences

The Vanuatu and New Zealand governments are preparing a report on the the changes to the Correctional Centres and sentencing of offenders in Vanuatu. The team doing this is Andrew Kibblewhite from MFAT, Collin Tavi from the Prime Minister's Office, and Gren Bell from Corrections New Zealand.

The report will talk about the Correctional Centres and what is happening with the new community-based sentences – probation, community work and supervision.

The focus of this interview is to ask you about the community-based (probation, community work, supervision) sentence that you are doing. The information will be included in a report that will be made available publically. If at any point you wish to say anything that you don't want to go in the report, please let us know. The report will NOT mention your name or identify you.

Can I check that you understand that what you say will be included in the report, but your identify will be kept private, and that you can stop this interview at any time?

Record Sex: **Male / Female**

The offenders will be asked to answer the following background questions:

- 1 How old are you?
- 2 Are you doing probation, community work, or supervision?
- 3 How long have you been doing [probation, community work, supervision]?
- 4 Is this your first time you have had a sentence [e.g. probation, community work, supervision]?
- 5 Describe for me what you have to do for your sentence [e.g. probation, community work, supervision]?
- 6 Have you done these things? What happens when you don't, or if you did not, do these things? To what extent has doing these things avoiding getting into trouble?
- 7 Who is your probation officer/supervisor?

The offender will be asked to identify their response to the following questions on the scale below shown to them on a separate piece of paper and also read to them i.e. For the following questions I need you to identify what you think using a list of statements after I have read you a question. The statements are ... Once I read the question to you tell me, or point to, the statement that best says what you want to say.

Don't know, 5 - Strongly Agree; 4 - Agree; 3 - Neither agree or disagree; 2 – Disagree; 1 - Strongly disagree.

- 8 [Probation / community work / supervision] helps stop me getting into trouble with the Police.
- 9 My family and village helps me to not get into trouble.
- 10 [Probation / community work / supervision] is harder than Prison.
- 11 I always meet the requirements of my [Probation / community work / supervision].
- 12 My Probation Officer is always available.
- 13 It is better do my [probation / community work / supervision] in my village.
- 14 My Probation Officer helps me gain skills or courses (e.g. training or education).

- 15 The Police don't bother me now that I'm doing my probation / community work / supervision.
- 16 I feel safe from the Police.
- 17 If I complained about the Police, it would be investigated.
- 18 I would get an answer if I make a complaint.
- 19 My Probation Officer does not treat me fairly.
- 20 My Probation Officer understands what I need to keep out of trouble.

The next few questions don't use this sheet, please just tell me what you think.

- 21 Are you aware of offenders on parole, doing community work or under supervision who are being harassed by the Police? When did this occur?
- 22 How often do you see your Probation Officer?
- 23 Is there anything-else you'd like to tell me about your probation, community work, supervision, or the staff?

Thank you, everything you've told me will be kept confidential and from people in authority – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Community Justice Supervisors

The Vanuatu and New Zealand governments are preparing a report on the progress to improve Correctional Centres, and to introduce community-based sentences in Vanuatu.

The team doing this is Andrew Kibblewhite from MFAT, Collin Tavi from the Prime Minister's Office, and Gren Bell from Corrections New Zealand.

The focus of this interview will be about the probation, community work and supervision work of the probation officers. The information you provide will be included in a report that will be made available publically. If at any point you wish to say anything that you don't want to go in the report, please let us know. The report will NOT mention your name or identify you.

Can I check that you understand that what you say will be included in the report, but your identify will be kept private, and that you can stop the interview at any time?

1. How long have you been a Community Justice Supervisors? How many offenders have you supervised? What were they convicted of?
2. Can you describe for me the conditions or requirements for the offender that you are currently supervising?
3. Has the offender [use name if possible] being doing these things? What encourages the offender [use name if possible] to do these things?
4. What do you do if an offenders doesn't do these things (i.e. break their conditions)?
5. What steps do you take to support or protect the victim?
6. Who is the Probation Officer you are working with? How often to you have contact with them?
7. Tell me about the relationship between offenders and probation officers?
8. What training have you received so far? How have you used this training? What was the training like? What more training do you need?

9. To what extent is community work and supervision with you consistent with kastom? What advantages or disadvantages are there with kastom? Should the offenders you are supervising been handled under kastom rather than the Justice system?
10. What help do the offenders need from you and your village?
11. Do offenders doing community work and under supervision get into trouble again? What happens to them? Are these issues taken care-of in the villages? Do the chiefs get involved?
12. What changes would you like to see to how community work and supervision is currently done?
13. Is there anything else you'd like to say about the work you do?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Medical Officers

The Vanuatu and New Zealand governments are preparing a report on the progress to improve Correctional Centres, and to introduce community-based sentences in Vanuatu.

The team doing this is Andrew Kibblewhite from MFAT, Collin Tavi from the Prime Minister's Office, and Gren Bell from Corrections New Zealand.

The focus of this interview will be about your impressions or knowledge of injuries to offenders, or the conditions, in the Correctional Centres in Port Vila. The information you provide will be included in a report that will be made available publically. If at any point you wish to say anything that you don't want to go in the report, please let us know. The report will NOT mention your name or identify nor any offenders or doctors that you mention. If you tell me any information that could indicate peoples' safety is or maybe at risk, I'd like to suspend the interview and discuss with you what action has been taken to ensure the safety of that individual.

Can I check that you understand that what you say will be included in the report, but your identify will be kept private, and that you can stop the interview at any time?

1. How long have you been the Chief Medical Officer or a medic in Port Vila?
2. What experience or contact have you or your colleagues had with the Correctional Centres or offenders from these Centres?
3. Have you seen or heard from your colleagues of any injuries to offenders that has raised any concerns about the offender's safety? Can you tell me about these event? Were any of these injuries consistent with intentional harm? What action was taken by the medical professionals? Have there been any events that you're aware of since August 2009?
4. Are you aware of any offenders experiencing mental health issues and are these people getting appropriate support? What support might they need?
5. Are you aware of any offenders self-harming?
6. Are you aware of any offenders being unreasonably refused medical assistance? Please tell me about these circumstances.
7. To what extent are the current facilities at the ex-British and Stade Correctional Centres consistent with healthy and safe containment? What would be needed for the Centres to meet these conditions?
8. Is there are kastom approach to medical treatment and what is this practice? Do you see a place for this approach in Correctional Centres?

9. Is there anything else that you'd like to share with me about the offenders and the Correctional Centres?

Thank you, everything you've told me will be kept confidential. Are willing for the information to be used for the evaluation? Comment again on the process from here and use of the information.

MFAT/MFAT (Development) Staff

As you're aware this Evaluation is looking at the progress of the Vanuatu Correctional Services Project.

The focus of this interview will be about what progress have you seen and whether this aligns with what you would have expected, and what barriers and opportunities there have been and what may be required going forward. The information you provide will be included in the report that will be made available publically. If at any point you wish to say anything that you don't want to go in the report, please let us know. The report will NOT mention your name or identify nor any offenders or doctors that you mention.

Can I check that you understand that what you say will be included in the report, but your identify will be kept private, and that you can stop the interview at any time?

1. Can you describe your contact or involvement with the Vanuatu Correctional Services Project to date?
2. To what extent do MFAT priorities influence project decisions and the way MFAT engages with the Vanuatu Government over the Project?
3. What role will the Memorandum of Understanding have for the Project in the future?
4. What should be the role of Correctional Centres and probation/community sentencing in Vanuatu society? What should Correctional Centres and probation be like to suit Vanuatu custom (kastom)?
5. What is your understanding of what the MFAT-funded Project is trying to achieve? To what extent is this aligned with the needs of the Department, the justice sector and Vanuatu? How could the MFAT-funded project better support the needs of the Department, sector and Vanuatu?
6. MFAT funding for Phase 2 and 3 for the Project started in 2006. What changes would you have expected to see during this time (different components and years)? To what extent has the Project meet your expectations of achievement (different components and years)? Can you give me examples? In what areas could more have been achieved and what might be some of the reasons or barriers for the pace of progress?
7. What changes in the conditions of detainees in the Correctional Centres are you aware of? Have the human rights of detainees improved? Have you heard of any detainees being hurt by the staff in the Correctional Centres? When did this happen?
8. Has the Project focused on the right priorities? Are there any areas that they should have given more or less focus?
9. Do released offenders or offenders on probation/community-based sentences re-offend? The rate of re-offending appears low, in your experience is this right? If not, why not?
10. What achievement or improvements would you expect to see from the Department, Correctional Centres and Probation service over the next three

years? What would they need to do differently to achieve these things?
What barriers would they need to overcome?

11. What role could MFAT take over the next three years?
12. How much influence has the TAs had on the decisions and priorities of the Department? What are the benefits and difficulties caused by this degree of influence?
13. If NZ were to reduce support in the Correctional Centres, is it likely that the Vanuatu government give more funding to the Department?
14. How ready is the Department (*DBKS*) to keep improving the management of the Department, Correctional Centres and probation service?
15. What are some of the challenges with leadership, management, and staffing that the Department will need to meet in the future?
16. What needs to happen for work undertaken by the TAs to be taken over by ni-Vanuatu management and staff?
17. What changes would be required before NZ stop funding the Department, Correctional Centres and probation service?
18. To what extent do the different Departments in the Law and Justice Sector to work together to solve crime and re-offending? Would there be any benefit from the different Departments working together more? What are those benefits? What would need to be done to get the Departments to work better together?
19. From your knowledge, what work rehabilitating and prepare detainees for re-integration have been undertaken since 2006? Describe what you know of these programs. How well are they working?
20. How have the design of the Project and implementation been influenced by MFAT's cross-cutting and mainstreamed issues?
21. How is the Project funded? What alternative approach to funding could be used to reduce costs and maintain results? What controls are in-place to ensure costs are reasonable?
22. Tell me about the relationship between MFAT and CNZ for this Project? What are the strengths and opportunities coming from this relationship? How well is the management structure for the Project working? How can this relationship be improved?
23. Is there anything else you'd like to say about the changes to the *DBKS*, Correctional Centres, Probation Service or in the sector?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Department of Corrections Ara Poutama Aotearoa (New Zealand)

As you're aware the three partners involved in the Vanuatu Correctional Services Project are undertaking an evaluation looking at progress during phases two and three i.e. 2006-2009.

The focus of this interview will be to gain your impressions of the expectations for the project and progress to-date, to discuss what barriers and opportunities there have been and what may be required going forward. I'd also like to get

your views on the how well the relationship between the partners has worked to-date and what could be done to maintain or strengthen these arrangements.

The information you provide will be included in the report that will be made available publically. If at any point you wish to say anything that you don't want to go in the report, please let us know. The report will NOT mention your name or identify nor any offenders or doctors that you mention.

Can I check that you understand that what you say will be included in the report, but your identify will be kept private, and that you can stop the interview at any time?

1. Can you describe your contact or involvement with the Vanuatu Correctional Services Project to date?
2. Could you share with me the reasons for the Department of Corrections involvement? How does involvement in the project help the Department?
3. What is your understanding of what the Vanuatu Correctional Services Project is trying to achieve?
4. Phase 2 and 3 for the Project started in 2006. What changes would you have expected to see during this time (different components and years)? To what extent has the Project meet your expectations of achievement (different components and years)? Can you give me examples? In what areas could more have been achieved and what might be some of the reasons or barriers for the pace of progress?
5. Has the Project focused on the right priorities? Are there any areas that they should have given more or less focus?
6. What achievement or improvements from the Project would you expect to see over the next three years? What would they need to do differently to achieve these things? What barriers would they need to overcome?
7. When would be the right time to exit the project? What would need to be in-place before the Project could be reduced? What would be the right way to go about exiting?
8. Tell me about the relationship between the Department of Corrections and MFAT over this Project? What are the strengths and opportunities coming from this relationship? How can this relationship be improved?
9. How well is the management structure for the Project working? The Team Leader of the Project has maintained a dual-reporting relationship with the Department of Corrections and MFAT, has these enabled the right level of engagement with the Project?
10. Is there anything else you'd like to say about the changes to the *DBKS*, Correctional Centres, Probation Service or in the sector?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Law and Justice Institutional Strengthening Project

The partners involved in the Vanuatu-MFAT Correctional Services Project are carrying out an evaluation of the Project. The team includes myself, Collin Tavi (Vanuatu Prime Minister's Office) and Gren Bell from Corrections New Zealand. The evaluation centers on identifying achievements to date, key lessons and improvements that could be included under the next three years of work.

The following questions are to get your views on the changes to the Correctional Centres and the introduction of the Probation Service. The information is to be used by all three partners and will be used to report on progress of the

initiative and to identify improvements for the future work. Please note that the evaluation report will become a public document. If you wish to not complete the questions or for your answers to be "off the record" please let me know. The report will not attribute any views to particular individuals.

1. Can you describe for me the Law and Justice Institutional Strengthening Project and what it has set out to achieve? What have been some of the challenges and opportunities with the Project? What has been achieved to date?
2. Can you describe for me your past involvement with, or knowledge of, the new Department of Correctional Services? i.e. The Department, Correctional Centres and Probation Service.
3. To what extent do the different Departments in the Law and Justice Sector to work together to solve crime and re-offending? Would there be any benefit from the different Departments working together more? What are those benefits? What would need to be done to get the Departments to work better together?
4. What role can kastom play in the strengthening the Law and Justice sector?
5. What role can of Correctional Centres and probation/community sentencing in Vanuatu society? What should Correctional Centres and probation be like to suit Vanuatu custom (kastom)?
6. What is your understanding of what the MFAT-funded Project is trying to achieve? To what extent is this aligned with the needs of the Department, the justice sector and Vanuatu? How could the MFAT-funded project better support the needs of the Department, sector and Vanuatu?
7. MFAT has been funding the Project since 2006, what changes would you have expected since then? To what extent has the Project meet your expectations of achievement? Can you give me examples? In what areas could more have been achieved and what might be some of the reasons or barriers for the pace of progress?
8. Has the Project focused on the right priorities? Are there any areas that they should have given more or less focus?
9. Do released offenders or offenders on probation/community-based sentences re-offend? The rate of re-offending appears low, in your experience is this right? If not, why not?
10. What achievement or improvements would you expect to see from the Department, Correctional Centres and Probation Service over the next three years? What would they need to do differently to achieve these things? What barriers would they need to overcome?
11. What role could MFAT take over the next three years?
12. How much influence has the TAs had on the decisions and priorities of the Department? What are the benefits and difficulties caused by this degree of influence?
13. If NZ were to reduce support in the Correctional Centres, is it likely that the Vanuatu government give more funding to the Department?
14. How ready is the Department (*DBKS*) to keep improving the management of the Department, Correctional Centres and probation service?

15. What are some of the challenges with leadership, management, and staffing that the Department will need to meet in the future?
16. What needs to happen for work undertaken by the TAs to be taken over by ni-Vanuatu management and staff?
17. What changes would be required before NZ stop funding the Department, Correctional Centres and probation service?
18. From your knowledge, what work rehabilitating and prepare detainees for re-integration have been undertaken since 2006? Describe what you know of these programs. How well are they working here?
19. Is there anything else you'd like to say about the changes to the *DBKS*, Correctional Centres, Probation Service or in the sector?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

AusAID

The partners involved in the Vanuatu-MFAT Correctional Services Project are carrying out an evaluation of the Project. The team includes myself, Collin Tavi (Vanuatu Prime Minister's Office) and Gren Bell from Corrections New Zealand. The evaluation centers on identifying achievements to date, key lessons and improvements that could be included under the next three years of work.

The following questions are to get your views on the changes to the Correctional Centres and the introduction of the Probation Service. The information is to be used by all three partners and will be used to report on progress of the initiative and to identify improvements for the future work. Please note that the evaluation report will become a public document. If you wish to not complete the questions or for your answers to be "off the record" please let me know. The report will not attribute any views to particular individuals.

1. Can you describe for me [Agency] priorities and main areas of focus in Vanuatu? AusAID's the Law and Justice Institutional Strengthening Project and what it has set out to achieve? What have been some of the challenges and opportunities with the Project? What has been achieved to date?
2. Can you describe for me your past involvement with, or knowledge of, the new Department of Correctional Services? i.e. The Department, Correctional Centres and Probation Service.
3. What is your understanding of what the MFAT-funded Project is trying to achieve? To what extent is this aligned with the needs of the Department, the justice sector and Vanuatu? How could the MFAT-funded project better support the needs of the Department, sector and Vanuatu?
4. To what extent is the Correctional Services Project compatible or complementary with AusAID's priorities and main areas of focus? What are the key areas of compatible or complementary? Are there any mutually dependent outcomes the Correctional Services Project?
5. To what extent do the different Departments in the Law and Justice Sector work together to solve crime and re-offending? Would there be any benefit from the different Departments working together more? What are those benefits? What would need to be done to get the Departments to work better together? What co-ordination mechanisms exist?
6. MFAT has been funding the Project since 2006, what changes would you have expected since then? To what extent has the Project meet your

expectations of achievement? Can you give me examples? In what areas could more have been achieved and what might be some of the reasons or barriers for the pace of progress?

7. Has the Project focused on the right priorities? Are there any areas that they should have given more or less focus?
8. Do released offenders or offenders on probation/community-based sentences re-offend? The rate of re-offending appears low, in your experience is this right? If not, why not?
9. What achievement or improvements would you expect to see from the Department, Correctional Centres and Probation Service over the next three years? What would they need to do differently to achieve these things? What barriers would they need to overcome?
10. What role could MFAT take over the next three years?
11. How ready is the Department to keep improving the management of the Department, Correctional Centres and probation service?
12. What are some of the challenges with leadership, management, and staffing that the Department will need to meet in the future?
13. What changes would be required before NZ stop funding the Department, Correctional Centres and probation service?
14. If NZ were to reduce support in the Correctional Services, how likely is it that that the Vanuatu government would provide more funding to the Department?
15. What role can kastom play in the strengthening the Law and Justice sector?
16. What role can of Correctional Centres and probation/community sentencing in Vanuatu society? What should Correctional Centres and probation be like to suit Vanuatu custom (kastom)?
17. From your knowledge, what work rehabilitating and prepare detainees for re-integration have been undertaken since 2006? Describe what you know of these programs. How well are they working?
18. Vanuatu is a fairly complex place to work. In your view, what works best for donors here?
19. Is there anything else you'd like to say about the changes to the *DBKS*, Correctional Centres, Probation Service or in the sector?

Thank you – ask if they are willing for the information to be used for the evaluation, and comment again on the process from here and use of the information.

Correctional Centre Checklist

- 1 Are staff well presented and polite at reception? (in uniform, clean and tidy)
Is there a proper sign-in procedure for visitors?
- 2 Are the Correctional Centre grounds and buildings clean and tidy? (grass cut / fences clear /buildings well maintained – painted, clean and free from clutter/rubbish)

- 3 Are the detainees clean and tidy? (clothed /clean / healthy-looking / no obvious evidence of malnourishment, rashes etc)
- 4 Is the kitchen area clean, tidy and businesslike? (surfaces & floors swept and clear / evidence of cleaning gear)
- 5 Has the kitchen got a shadow-board for knives etc?
- 6 Is the shadow-board regularly checked?
- 7 Is the drainage adequate from cell, grounds, kitchen and ablution areas? (no pooling water etc – clear of sewage / smells / drains free from scum)
- 8 Is the ablution area clean and well maintained. (no mould / paint & surfaces smooth and clean – disinfectant and cleaning gear evident?)
- 9 Are there duck-boards or similar where required?
- 10 Are the rules of the Correctional Centre posted in accessible areas for detainees and visitors? (usually at front gate / visiting area, and in appropriate language/s)
- 11 Are there proper records of admissions, transfers, paroles and releases?
- 12 Is there a muster-board posted so that detainees' whereabouts can be readily established in an emergency? Usually in guardroom – note that cell-door placement of detainee information is not desirable - may be unsafe)
- 13 Are emergency procedures well known and posted for all to access?
- 14 Are cells clean and tidy and free from unnecessary and potentially dangerous items? (bedding looks and smells fresh / no clutter or potential weapons / cell standards adhered to where these exist)
- 15 Are staff in evidence carrying out supervision duties? (Do they appear vigilant and professional and not over-familiar with detainees?)
- 16 Are staff aware of their muster / duties? (ask)
- 17 Are musters taken regularly? (sight in progress / ask)
- 18 Are Correctional Centre vehicles used for detainee transport in good condition with detainee safety in mind? (certs or warrants of fitness where required / fittings secure)
- 19 Is the detainees' general demeanor positive and open or surly and evasive?
- 20 Sight documentation:
 - A. Conv/Rx Admissions Register
 - B. Future Appointment Register
 - C. Detainee Property Register
 - D. Official Visitors Register
 - E. Detainee Muster Register
 - F. Visitors Register
 - G. Tool Register

- H. Operations Manual (when last used)
- I. PCO (Quality Assurance) Checklist (evidence being used weekly)
- J. SCO (Quality Assurance) Checklist (evidence being used weekly)
- K. Correctional Centre Audit Form (evidence being completed monthly)

Use of documentation

- L. Incident Reports (examples - evidence being used)
- M. Health Services Referral Form (examples - evidence being used)
- N. Risk Classification Form (examples – most recent - evidence being used [detainee signed – if, not complaint form completed])
- O. Staff Performance Management Plan (examples)
- P. Complaints Register (no provision in training)

APPENDIX NINE: MFAT FUNDING

Table 9: VCSP Spending (NZ\$000⁶³)

	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	To 30/6/09	2009-10	2010-11	2011-12
Preparation phase	\$ 39.3	\$ 91.6	\$ 35.0	\$ 0.9	\$ -	\$ 1.0	\$ 167.8	\$ -	\$ -	\$ -
T.Advisors & NZDOC Costs	\$ -	\$ 72.0	\$ 655.6	\$ 823.4	\$ 457.3	\$ 1,455.0	\$ 3,463.3	\$ 1,670.0	\$ 691.0	\$ 517.0
Business Plan support	\$ -	\$ 66.1	\$ 670.9	\$ 687.9	\$ 1,381.0	\$ 766.8	\$ 3,572.6	\$ 500.0	\$ 500.0	\$ 500.0
New prison	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000.0	\$ 4,000.0	\$ 1,000.0
Evaluation & Review	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50.0	\$ -	\$ 50.0
Total	\$ 39.3	\$ 229.6	\$ 1,361.4	\$ 1,512.2	\$ 1,838.3	\$ 2,222.8	\$ 7,203.6	\$ 3,220.0	\$ 5,191.0	\$ 2,067.0

⁶³ Rounded to the nearest one hundred thousand.

APPENDIX TEN: UNITED NATIONS MINIMUM RULES

United Nations Standard Minimum Rules for the Treatment of Prisoners

Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

PRELIMINARY OBSERVATIONS

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

3. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the rules in this spirit.

4. (1) Part I of the rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" or corrective measures ordered by the judge.

(2) Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

5. (1) The rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general part I would be equally applicable in such institutions.

(2) The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

Part I

RULES OF GENERAL APPLICATION

Basic principle

6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

Register

7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

(a) Information concerning his identity;

(b) The reasons for his commitment and the authority therefore;

(c) The day and hour of his admission and release.

(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

Separation of categories

8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

(a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;

(b) Untried prisoners shall be kept separate from convicted prisoners;

(c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;

(d) Young prisoners shall be kept separate from adults.

Accommodation

9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work,

(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Personal hygiene

15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Clothing and bedding

17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Food

20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

(2) Drinking water shall be available to every prisoner whenever he needs it.

Exercise and sport

21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

Medical services

22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.

(3) The services of a qualified dental officer shall be available to every prisoner.

23. (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

(2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

26. (1) The medical officer shall regularly inspect and advise the director upon:

(a) The quantity, quality, preparation and service of food;

(b) The hygiene and cleanliness of the institution and the prisoners;

(c) The sanitation, heating, lighting and ventilation of the institution;

(d) The suitability and cleanliness of the prisoners' clothing and bedding;

(e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

Discipline and punishment

27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority:

(a) Conduct constituting a disciplinary offence;

(b) The types and duration of punishment which may be inflicted;

(c) The authority competent to impose such punishment.

30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.

(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.

(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.

(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

Instruments of restraint

33. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;

(b) On medical grounds by direction of the medical officer;

(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

Information to and complaints by prisoners

35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

Contact with the outside world

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

Books

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Religion

41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

Retention of prisoners' property

43. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

Notification of death, illness, transfer, etc.

44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

Removal of prisoners

45. (1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

Institutional personnel

46. (1) The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity

and personal suitability for the work that the proper administration of the institutions depends.

(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

(3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47. (1) The personnel shall possess an adequate standard of education and intelligence.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.

(3) He shall reside on the premises of the institution or in its immediate vicinity.

(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

(2) Whenever necessary, the services of an interpreter shall be used.

52. (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

53. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Inspection

55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

Part II

RULES APPLICABLE TO SPECIAL CATEGORIES

A. Prisoners under sentence

Guiding principles

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.

57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right

of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

59. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

60. (1) The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

(2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

63. (1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

Treatment

65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

66. (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Classification and individualization

67. The purposes of classification shall be:

(a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;

(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

Privileges

70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

Work

71. (1) Prison labour must not be of an afflictive nature.

(2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.

(3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

(4) So far as possible the work provided shall be such as will maintain or increase the prisoners, ability to earn an honest living after release.

(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

72. (1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

(2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

73. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

(2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

74. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

75. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.

(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

76. (1) There shall be a system of equitable remuneration of the work of prisoners.

(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

Education and recreation

77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

Social relations and after-care

79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable s and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

B. Insane and mentally abnormal prisoners

82. (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.

(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.

(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

C. Prisoners under arrest or awaiting trial

84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules.

(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.

(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

85. (1) Untried prisoners shall be kept separate from convicted prisoners.

(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

88. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

(2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.

89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

91. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

D. Civil prisoners

94. In countries where the law permits imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

E. Persons arrested or detained without charge

95. Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights, persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and part II, section C. Relevant provisions of part II, section A, shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.

APPENDIX ELEVEN: ASSESSMENT AGAINST THE MINIMUM RULES

1. The following information details the findings with regard to the assessment of progress in the correctional centres against the United Nations Standard Minimum Rules for the Treatment of Prisoners. A subset of the 19 of the 95 rules were identified as being relevant for a brief assessment of the prison environment and key aspects of health, safety and welfare of each site. It's important to note that not all the 95 rules are applicable in every situation and many well-resourced regimes struggle to meet some of the more demanding rules. Using a subset of the most critical rules is particular appropriate given the resources available and the reform process in Vanuatu. Based on the most important 19 of the 95 rules, and assessment was undertaken by data gathering within correctional centres include surveying representative proportion of the detainee population (all four Centres); applying observation checklists⁶⁴; and interviews with correctional managers and officers, and technical advisors⁶⁵. Using multiple sources of information have allowed for the triangulation of information and robust findings. The assessment reflects the conditions at the time of the evaluation. It should be noted that this assessment occurred within a year of a burning of one Centre and en-masse escape by detainees, it has occurred just two months after involvement of Vanuatu Mobile Force officers in the Port Vila Centres, and generally during a period where the administration was ensuring greater control over the environment in the Centres', in part, to rebuild confidence in the *DBKS*.
2. The evaluation team found that the living conditions within the Centres were adequate. This included centres which were at or nearing capacity, but no evidence of over-crowding; buildings were generally dilapidated but adequate; facilities and grounds were generally tidy and sufficiently clean; and detainees were general clean and not anxious, nor did they appear timid or fearful. The accommodation areas were particularly tidy with detainees seeming take pride from maintaining these areas. Although food was seen as inadequate by 56 percent of the detainees primarily due to a lack of variety, it appeared adequate in both size and content (see recommendation about medical officer). Though detainees acknowledged that food was provided regularly (97 percent), due to centralised cooking for Port Vila centres at the Stade Correctional Centre, delivery to the Ex-British Koreksonal Centre and the Women's Correctional Centre were often delayed with food being provided cold. Major changes should be resisted

⁶⁴ Prisoner records and visitor records; quality of accommodation; sanitation, cleanliness and hygiene; staff presentation and attitude; prisoner demeanour and appearance; safety and emergency procedures; information for prisoners (rules etc); prisoner transport; control of dangerous equipment.

⁶⁵ Separation of the various prisoner categories, the complaints process, the internal discipline process, education and rehabilitative activities, prisoner labour, visiting, social relations and aftercare.

until the new Port Vila Correctional Centre is finished; however, in the interim it would be worthwhile ensuring that all reasonable efforts are made to transport the food in a timely way to ensure consistent provision and warm food.

3. Detainees at the ex-British Centre remand unit were concerned about the building being safe (survey open-ended questions). They considered it an earthquake risk and there was a significant degree of visible crumbling concrete and exposed re-enforcing⁶⁶. Given the role detainee concerns and the lack of subsequent management response had in the burning of the Stade Centre, and the likelihood that the unit will be used for the next two years, consideration should be given to providing detainees with a briefing on the condition of the facility and undertaking minor work to reduce the perception of risk.
4. Observation of the ablution areas/blocks showed that though accessed as adequate, they were not adequately clean, and the Luganville Correctional Centre ablution block was, in the words of staff/advisors, "in need of demolition". While it is acknowledged that the cleanliness of the ablutions may be contextually appropriate, the level of cleanliness represents a health risk to detainees under the care of the *DBKS*. Correctional officers should ensure that detainees adequately undertake the cleaning of the facilities. The evaluation team were not made aware of any plans to improve the Luganville Correctional Centre ablution facility. The site is temporary, but *DBKS* may look at securing longer-term tenure once the building of the Port Vila Correctional Centre has begun. While the evaluation team understands the need to balance priorities, it would be advantageous to secure tenure as soon as possible, allowing for the further development of the site, including replacing the ablution block.
5. The current control environment in the ex-British and Stade Correctional Centres mean that detainees are allowed out from their units (blocks) for one hour per day. Interviews with Correctional Officers and technical advisors identified that this was a reaction (understandably) to increasing the security of the facilities, ensuring an environment where privileges were earned and good behaviour rewarded, and as a result of limited staffing numbers. The evaluation team acknowledges the validity of this approach, but noted increasing frustration and raising tensions amongst the detainees. The security situation may now warrant increasing time outside their immediate cell unit for low-risk and remanded detainees (CON/REC) would be possible and would contribute to the environment of reward and to reducing building tensions.
6. The environment from June 2008 to August 2009 when Vanuatu Mobile Force personnel were involved in the correctional centres in Port Vila was not only a destabilising time for centre administration, but appears to have been a fearful time for both detainees and non-Vanuatu Mobile Force Correctional Officers. Detainees in the Correctional Centres still feel

⁶⁶ There had been two severe earthquakes in the three months prior to the visit.

unsafe (47 percent). Given that this evaluation only occurred two months after the Vanuatu Mobile Force involvement was stopped, it is difficult to gauge to what extent this fear is historical or reflecting on-going conditions. However, the evaluation found sufficient evidence from detainees (including 38 percent saying officers beat/hit detainees), Correctional Officers and technical advisors to form the view that a small number of isolated and low-level violent events against detainees were still occurring in the Centres. These events were of a nature where no immediate concerns for the personal safety of detainees arose during the evaluation.

7. These events were isolated and not systemic, and do not appear to represent a cultural of violence or of corporal punishment. They appear to be unplanned and spontaneous and to be infrequent. They do however represent a continued risk to the functioning of the Centres and to the reputation of the *DBKS*. It is concerning that these events are still occurring, that most detainees (56 percent) do not believe the correctional officers will act to protect them, and that when these event occur correctional centre managers are not following procedures to investigate and taking appropriate action against the officer/s involved. There is a risk that this low-level violent behaviour by some officers may continue and that its frequency and level of seriousness may escalate.
8. The evaluation also found significant improvements were required to the internal complaint procedures in the Centres and in the level of access that detainees had to external, independent complaint mechanism. While most acknowledged that they could make a complaint, 40 percent of detainees interviewed said that they did not feel safe in doing so, less than one in five considered that they had access to the Centre manager, and less than half considered that they would get an answer to any complaint made. There did not appear to be any significant concern of immediate corporal punishment, rather than this process was ineffective and that the complaints would be put on their record and used punitively affecting their risk rating and privileges and potentially probation.
9. There are now clear procedures in place for handling complaints and correctional officers (including managers) have been trained. However, while it is acknowledged that this training only occurred in the second half of 2009 and that it will take time for the procedures to be bedded-in, there is little evidence of this occurring today and minimal commitment to comply (interviews with Correctional Officers and detainee survey). Further work needs to be undertaken to ensure that the procedures are fit-for-purpose and to build correctional officers commitment to them. Moreover, it is essential that Correctional Officers and detainees observe consistency in their application and in management's response to the complaints. Detainees need to be able to observe that issues can be addressed fairly using formal internal complaint procedures. While the Detainee Handbook describes these procedures, they are not advertised in the Centres.
10. It would also be advantageous for a semi-independent function within the *DBKS*'s Corporate Office to be set-up to investigate and resolve any

significant complaints. While this would have resource implications for *DBKS*, it would not need to a separate and/or dedicated function and may be able to be added to a role under the new structure. The skills and training requirements would include processes and procedures for undertaking fair investigations. This training could be provided by the Ombudsman Office and set-up of the function supported by corporate service technical advisors. The advantage of the function would be to provide a timely and efficient escalation step outside the direct line of management. This option would, if functioning correctly, would help to develop the legitimacy of the complaints system. The function would not replace access to external, independent options like the Ombudsman's Office.

11. The Republic of Vanuatu Office of the Ombudsman has previously undertaken investigations in the correctional centres; however, the Office's interest in correctional centres appears to have fallen into abeyance in recent years. Information during the evaluation suggests that the Office has not visited the correctional centres during phase II of the Project. It was also notable that detainees didn't mention the Office of Ombudsman and were not confident that any complaints would get a fair response with just 6 percent thinking they would when surveyed. The evaluation team also observed (checklist) that no information was visible in the correctional centres⁶⁷ or office of *probesen* staff. Stakeholder interviews also suggested that the Ombudsman had been asked to attend a detainee meeting about conditions of detention in the lead-up to the Stade Correctional Centre en-masse escape and burning, but had not attended because "an official complaint to the Office had not been laid"; therefore no investigation had been initiated.
12. These circumstances indicate limited or no practical access to the Ombudsman's Office for detainees at present. However, the Office remains the best opportunity for an independent function to investigate and make recommendations to the *DBKS* for resolving externally escalated complaints. The Office is professional, permanent and trained staff and is continuously resourced. Supporting the Office to be active with regard to the correctional centres (in particular) would also support, rather than undermining, the recognised role of the Office. Other Law and Justice support work may also help to support the further development of the Office. Re-building the Office's interest in the centres would provide detainees with access to external resolved (making this clearer in the detainee Handbook, advertising the role of the office, providing writing responses to complaints that inform detainees of the role of the Ombudsman) and could encourage the Office to undertake regular site visits to observe conditions in the centres and to discuss their role with detainees. The evaluation team would recommend further consideration to the capacity and willingness of the Office to undertake this role once the new Ombudsman is appointed. If this is assessed as unworkable, then

⁶⁷ The Team was unable to assess whether the Detainee Induction Booklet contained material about the Office as the booklet is only published in Bislama.

other options will need to be considered. These include establishing an independent inspector under section 17 of the Correctional Services Act; an external monitoring body (the Act allows for this) made up of individuals from relevant community functions (e.g. civil society groups, medical, human rights groups, Council of Churches, *Malvatumauri*); and/or an internal body with external representation.

13. As part of the new control environment, access to visitors has become limited. Visitation is limited to prior application and visiting days for personal visits are limited to Saturday and Sunday. While 70 percent of detainees considered that they have access to visitors, there is a risk that if access remains too limited that this may impact negatively on access to people family and community representative who can help with rehabilitation and re-integration. Advisors claimed that greater access was allowed for chiefly visits and those by pastors, however, beyond bible groups, this is not concur with views expressed by correctional offices and detainees. It would be beneficial to introduce a personal visiting day during the week and to ensure that privileged access to church, community, and chiefly leads were available (and used). The system also needs to provide for greater access as detainee near their parole dates to ensure contacts useful to their re-integration are re-established. This, along with pre-release leave, may need to be considered once public confident in the security of the centres has been re-established.
14. The Correctional Centres in Vanuatu have limited resources to meet essential needs such as rations, utilities and maintenance. At times, public concern emerges at the expense of state services that do not produce immediate and easy to quantify benefits, for example, the cost of incarceration. Correctional approaches also value providing activities for detainees to keep them occupied and hopefully to learn skills that can help on their release. For these reasons, since the establishment of the *DBKS* considerable effort has gone into developing production capacity at the Centres to reduce the administrative costs of, for example, rations, and to develop products of commercial value. An important standard under the United Nations Standard Minimum Rules for the Treatment of Prisoners is that detainees have a choice whether to work or not, and that they receive compensation for their efforts. This helps to avoid misconceptions of detainees being used as forced labour.
15. The Evaluation found that while 50 percent of detainees agreed that they didn't have to work if they didn't want to, of concern is that a significant percentage (31 percent) considered that they had to work. Detainees in the Centres do not get paid for the work. Given the increase in programmes with a focus on production, this situation raises a risk of creating a perception of Correctional Centres in Vanuatu using forced labour.
16. A key factor contributing to the perception that work in the Centres is compulsory is a tendency in *DBKS* to call all activities that detainees undertake, 'programmes'. As some of these 'programmes' rightly

compulsory for detainees (e.g. cleaning sleeping accommodation) and because some of them involve working, then there becomes an association with all programmes and activities being compulsory and involving work. It would be beneficial to develop more differentiation when referring to these programmes and activities so their purpose and the detainees' involvement is clearer. Table 3 (see page 39) suggests some categories that could be used to describe different programmes and activities. Using categories like these would enable work associated with subsidising administrations costs and/or revenue earning to be differentiated from other work.

17. The evaluation team acknowledges the sensitivity of making payments to detainees especially in a developing country context where unemployment rates are high and a significant proportion of society rely on subsistence living, as is the case in Vanuatu. However, the Team considers that if the United Nations Standard Minimum Rules for the Treatment of Prisoners are to be met, detainees undertaking some kinds of work be compensated. This could involve work under category four in Table 3 (p.39), and should not include any other category of programme or work. While there would be a clear benefit in avoiding allegations of forced labour, it would also help to incentivise commitment to work. Given that Vanuatu society is paying for the cost of detainment, any payment should be a nominal but sufficient amount. Detainees might also be encouraged to support their family with the payments.
18. Another factor contributing to 31 percent of detainees considering work is compulsory is the perception that declining to undertake work will be noted on their file and this will affect their risk rating and the possibility of parole. While this should be the case for compulsory work under category five (see Table 3, p.39) and for programmes under one and two, this should not be the case for work that subsidises costs of running the Centre and/or generates income. Programmes one and two are designed to help the offender change their behaviour and re-integrate effectively. Provided they are quality programmes, they are a useful indicators (amongst others) of increased prepared for release. Attendance is therefore important information to take into account when doing risk assessments and in preparing parole reports. The purpose of work under category four is focused on production and income not the correction of the individual, *per se*.
- 19.

APPENDIX TWELVE: PROPOSED *DIPATMEN* STRUCTURE

