

Evaluation of Capacity Development for Police on Child Protection in Fiji, Kiribati and Vanuatu

Report Commissioned by UNICEF Pacific

MAY 2016

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EXECUTIVE SUMMARY

Evaluation purpose

This evaluation considers the development, implementation and impact of the joint UNICEF/partner governments' capacity development for national police organisations on child protection in Fiji, Kiribati and Vanuatu. Its purpose is to determine the extent to which capacity development objectives for police in the three countries were met and the impact on police handling children as victims of and witnesses to violence, and juvenile offenders. The evaluation draws on the country findings to then assess the relevance, efficiency, effectiveness, impact and sustainability of the capacity building component of the regional child protection programme.

Scope

The evaluation time frame is from 2008 to 2015 with a focus on national level police capacity development work within the overall Regional Child Protection programme. The overall outcomes sought are:

2008-2012 Programme Cycle Outcome 1: *Children are increasingly protected by legislation and are better served by justice systems that protect them as victims, offenders and witnesses.*

2013-2017 Programme Cycle Result area: *By 2017, governments and civil society have strengthened capacity to provide children and families with improved access to child and family welfare and child justice services to prevent and respond to violence, abuse and exploitation including in emergencies.*

A case study approach was utilised to examine programme implementation at selected sites in Fiji, Kiribati and Vanuatu taking into account the different country contexts. We assessed implementation within each police organisation examining how this programme sought to develop police capacity to work with children at an individual staff level, organisational level, and interagency/community levels. Police practice is embedded within both the organisational culture and local cultural context with associated attitudes and practices towards handling children. We took into consideration the multiple contextual factors that influence police practice including legislation, organisational leadership, policy, procedures, structures, relationships and resources.

Method

The 2008 baseline research on the status of children conducted by UNICEF for each of the three evaluation countries provided the starting point for examining the extent to which capacity development activities for police have led to better experiences for children, whether as victims, witnesses or offenders.

The evaluation was conducted in seven sites across the three countries representative of urban and remote rural/outer island environments. The findings are based on analysis of the following data:

- In-depth interviews and focus groups with 264 stakeholders (120 female and 144 male) including children, parents/caregivers, community members, police, government officials, non-government organisations (NGOs), civil society organisations (CSOs), faith based organisations (FBOs), UNICEF, international donors, and regional policing partners.
- Desk review of programme documentation; child protection related research from each of the sites and government, NGO, FBO, and donor reports.

Key findings

Child protection legislation and policy

The development of child protection legislation aligned to the Convention on the Rights of the Child (CRC) has provided a platform for the development and implementation of child protection policy and procedures across the justice sector and for police in particular, in Fiji and Kiribati. In Vanuatu, there is still no specific child protection legislation and children rely on limited protections provided by the Family Protection Act 2008; enacting child-specific legislation would strengthen the basis for police policy development and implementation. Awareness-raising on violence against women and children and child protection have followed as has reporting of such incidents to authorities. However, police capacity to respond in each country varies depending on organisational leadership, management, accountability processes, organisational structures, human and material resourcing, training and workforce development. Consequently, children's experience of police varies widely suggesting that decision-making is often based on personal judgement rather than the application of the law, and police policy and Standard Operating Procedures (SOPs).

Police handling of children

Whereas nearly half of child victims interviewed had positive experiences of their initial contact with police, the rest had negative encounters. Child victims were kept waiting, their privacy was not respected, they were made to repeat their stories, and they experienced a lack of interest, caring and empathy from some officers. The 'No Drop' policy is not applied consistently, nor are complaints properly investigated and followed-up consistently. There are long delays with investigations and court processes and victims are left frustrated when cases are dropped because of lack of evidence. In some cases, they are also left feeling unsafe if the perpetrator is still in the community. Long delays lead families to turn to the informal justice system to get resolution but this can be disempowering for victims. Young women especially report being frightened by the way police talk to them and difficulties overcoming barriers, including financial ones, to accessing police and getting them to take their complaint seriously. The lack of police statistics in all three countries means it is not possible to know the number of complaints involving children, whether or not they were investigated, and the outcome.

The majority of child offenders interviewed across the sites reported negative experiences of police including the use of threats and intimidation, physical abuse, harassment, and inappropriate detention. Over half these children said they had been interviewed by police without a responsible adult present. As a consequence, many young people have little trust in police and do not see them as someone to turn to in times of trouble.

The findings indicate the need for workforce development and training, and further integration of child protection policies and procedures, into police organisations and training curriculums. Police acknowledge they require further training and a cultural shift within organisations to better implement the child protection policies and SOPs. Stakeholders' experience of police handling of children further corroborates this as while some modest improvements were noted, in general police are not responding as per the child protection policy and procedures for want of training and resources.

While it is clear that there is room for improvement in police handling of children, police do not work in isolation nor can they go beyond their legislative mandates. Child protection depends not only on

police capacity for handling children and young people in contact with the law but system-wide capacity that is aligned to international standards, well-coordinated, and cognisant of the formal and informal systems of justice as well as organisational and cultural contexts. In all three countries, the demand for specialist child welfare services has outstripped available services, both formal and informal.

Capacity development approach The report provides an overview of literature on capacity development for police delivered primarily by police forces in the global North to their counterparts in the South. Despite the surge in support for such programmes they remain poorly documented and understood and there is little agreement on what is meant by ‘capacity development’. While there is widespread agreement on the importance of adapting capacity development programmes to local contexts, evaluations regularly note that this important area does not get the necessary attention.

The UNICEF Regional Child Protection Programme is informed by a systems approach as reflected in the Protective Framework. The capacity development component for police could be strengthened by more adaptation to local contexts and developing an in-depth understanding of how the programme activities expect to achieve the overall programme outcomes and are aligned to the activities of other stakeholders.

Two strategies are suggested; the first is to consider a Theories of Change approach to guide programme design which would unpack the ‘black box of causality’ to make more explicit how inputs are expected to achieve outcomes. The second is to develop a shared understanding of capacity development objectives with government partners, the communities they serve and all donors working in child protection. This will enhance relevance to local context and ensure that local voices inform, and so strengthen, project design and implementation.

Evaluative assessment:

Relevance

The joint UNICEF/government child protection programme is highly relevant in the three evaluation countries given the number of children and young people who have experienced police handling as child victims, witnesses, and offenders.

Given the key role national police play in protecting children, support for the development and implementation of a child protection policy and related procedures in each country is highly relevant. National police organisations were provided technical assistance to develop child protection policies and procedures. However, policy consultation with other stakeholders and tailoring of the procedures to local contexts varied across the three countries. As stated, more attention is needed to adapt the programme to local circumstances, which requires broad-based consultation with communities, government agencies and other stakeholders to ensure a shared understanding of programme goals and the means for achieving them.

Linkages with other regional programmes funded by international donors appear minimal thus reducing the effectiveness of programmes individually and collectively as well as increasing the burden on partner governments. Moreover, while the outcomes sought are generally agreed, the processes for getting there are not. We recommend a Theories of Change approach be done at

regional and national levels to ensure local social, cultural, economic and political considerations are factored in.

Impact

At a regional level, the child protection programme has impacted positively on the development of national child protection legislation in two of the three evaluation countries. Legislation aligned to the CRC has provided the impetus for police and other organisations to develop child protection policies and related procedures.

However, the findings indicate that the programme has had a modest impact on how police handle children, although this varies within and between countries. In Fiji and Kiribati there has been some improvement from the 2008 baseline reports, but in Vanuatu there has been little change. Some children report police treat them with care and respect; others had negative encounters with police and with the justice system as a whole.

Child victims report being treated as adults, being ‘interrogated’ as if they were perpetrators, being judged, particularly with regard to allegations of sexual offending, and not being listened to or believed. Youth offenders report being subject to intimidation, threats and violence at the hands of some officers, and being inappropriately detained and charged rather than being given the option for diversion. In none of the three countries, is the No Drop policy – the policy requiring investigation of all allegations of violence against children, consistently applied. Diversion for youth offenders is not being consistently applied and in some instances a formal policy is yet to be disseminated.

The variability between children’s encounters with police indicates that for most police decisions about child handling are based on personal knowledge and experience rather than an in-depth knowledge of policies and procedures. Building individual police capacity to handle children according to policy and procedure is central to improving child protection, as is developing organisational and sector capacity, in close collaboration with communities.

Effectiveness, efficiency and sustainability

There is a clear need for senior management to move beyond signalling commitment to a child protection policy and ensuring that policies and procedures are implemented throughout the organisation along with monitoring and accountability mechanisms to enforce them. Moreover, government needs to ensure that expectations of police and the justice system are matched with resources.

While many police have a basic awareness and understanding of how children should be handled, fewer have an explicit awareness and understanding of current child protection policy and procedures. Access to training and professional development is ad hoc, and general duties staff and special constables are less likely to receive training than senior staff and staff in special units, despite being the most likely to have initial contact for children. External training providers offer opportunities for officers to up-skill but can fail to build sustainable and appropriate in-country training capacity that provides police with the necessary background to policy, as well as specific training in procedures adapted to local circumstances, context, and resourcing.

The findings highlight systemic issues within police and across the justice sectors. Investigations are often not up to standard, which, when combined with lengthy court processes, leads to cases being dropped. In such situations, victims are vulnerable to further harm by perpetrators.

The Child Register and collection of information about children has had very limited implementation and consequently there is a lack of statistical data about children who come into contact with police and the resulting outcomes. This limits police organisations ability to strategically plan and monitor how they work with children.

Human Rights and Gender

The police child protection policies and procedures target children specifically but do not attend to the different needs of boys and girls as victims, witnesses, or offenders. This ‘gender blind’ approach means some police fall back on stereotypical understandings of gender, particularly in cases of sexual offending, which can result in inappropriate decisions and handling of children.

Moreover, across the three countries there is a perception that women are better at handling child and adult victims of domestic violence and sexual offences than men, and that it is more appropriate for women to handle victims as they are most often women and girls. However, this leads female officers to be channelled to this area of work, which can limit their options. Furthermore, female officers tend to be given preference in training in this area which results in workforce segregation at the expense of male officers, many of whom want and need an understanding of the issues surrounding violence against women and children and how to respond. There is also a risk in prioritising women for this work that it comes to be seen as “women’s work” and of lesser importance.

While national police organisations have taken steps to increase the recruitment and retention of women officers, and a small number of women officers are in senior management positions, they are far from the critical mass needed to shift the organisational culture to one that recognises women’s right to full and equal participation in social, economic and political life.

Recommendations:

UNICEF

- Review its national child protection staffing structure and appointments to ensure appropriate leadership and facilitation is provided to national child protection committees and working groups with a view to influencing further alignment of national legislation to the CRC according to countries’ priorities;
- Consider means of supporting the development of quality, appropriate and accessible rehabilitation and reintegration services to child victims, witnesses, and youth offenders;
- In collaboration with partner governments, identify research gaps and build on previous research to identify:
 - how police can better respond to child witnesses of domestic violence;
 - how formal and informal justice mechanisms can better be integrated to address youth offending, child victims and child witnesses of violence;
 - the nature and quality of child protection awareness-raising materials with locally appropriate messages in local languages.

- **UNICEF and Government partners:** UNICEF and partner governments' work with donors and regional, international and national organisations engaged in child protection to utilise a Theories of Change approach to programme design to clearly articulate how programme activities will achieve desired outcomes. A collaborative approach to programme design will facilitate coordination which will support implementation.

Government agencies with responsibilities for child protection

- Ensure all national child protection committees and working groups are inclusive and have appropriate terms of reference signed-off at the highest levels, and that all such groups are resourced appropriately;
- Address gaps in child protection legislation and regulation to bring all national legislation in line with the CRC;
- Progressively realise protection for child victims of and witnesses to violence and youth offenders through the provision of:
 - quality, appropriate and accessible rehabilitation and reintegration services provided by government, communities, non-government and faith-based organisations;
 - clear, specific memoranda of understanding to guide inter-agency to collaboration on child protection .

National Police Forces/Services

Police policy and procedures

- Commissioners and other senior managers demonstrate unequivocal support for child protection by leading the revision and dissemination of a national police policy for child protection;
- Review standing operating procedures for handling children against the revised child protection policy, ensuring that procedures are contextualised, available in local languages, taking into account agreements over the jurisdiction of the formal and informal justice systems (where applicable);
- Review how more comprehensive data on children can be integrated into police data collection systems to inform strategic planning;
- Conduct a process evaluation of SOP implementation with a view to supporting adaptation and ongoing learning.

Police Training and Workforce Development

- Further integrate child protection training into national training curriculums and institute regular monitoring and evaluation to identify training needs and support police competencies.
- Strengthen, or establish where they do not exist, human resource management systems and processes that track staff performance and training; and are linked to promotions;
- Strengthen, or establish where they do not exist, performance-based management and accountability systems that hold managers to account for ensuring staff understand and comply with child protection policy and procedures;

- Ensure all systems and processes can be analysed by gender and initiate a regular gender review of all appointments, promotions and trainings.

ACKNOWLEDGEMENTS

We would sincerely like to thank all those who contributed towards this evaluation and shared their knowledge, experiences and insights about the child protection programme.

We would like especially to thank the children, young people and their families who shared their experiences of police and the formal and informal justice systems. Your feedback is vital for understanding how police services can be improved for children and young people.

We would particularly like to acknowledge and thank all the personnel from police organisations, government agencies, non-governmental agencies, civil society organisations, faith-based organisations, and community representatives, UNICEF, donors and regional police programmes who contributed to the evaluation.

Thank you also to UNICEF and police personnel who acted as our focal points in Fiji, Vanuatu, and Kiribati; we greatly appreciated your assistance.

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Acronyms

AAFR	Alcohol Awareness and Family Recovery (Kiribati)
AFP	Australian Federal Police
CEDAW	Convention on Elimination of all forms of Discrimination Against Women
CFP	Child Focal Point (Police - Fiji)
CID	Criminal Investigation Division (Police investigators)
CPP	Child Protection Policy (Vanuatu)
CPU	Community Policing Unit (Kiribati)
CPAP	Country Programme Action Plans
CPWG	Child Protection Working Group (Kiribati)
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organisations
CWD	Child Welfare Decree 2010 (Fiji)
DAC	Development Assessment Criteria
DFAT	Department of Foreign Affairs and Trade
DWS	Department of Social Welfare (Fiji)
DV	Domestic Violence
DVRO	Domestic Violence Restraining Order
DVSO	Domestic Violence and Sexual Offence unit (Kiribati)
FBOs	Faith Based Organisations
FPF	Fiji Police Force
FPU	Family Protection Unit (Vanuatu)
FWCC	Fiji Women’s Crisis Center
IO	Investigating Officer (Fiji)
KPPS	Kiribati Police and Prison Service
MSP	Medical Services Pacific (Fiji)
MWCPA	Ministry of Women, Children and Poverty Alleviation (Fiji)
MWYSA	Ministry of Women, Youth and Social Affairs (Kiribati)
NCCC	National Children’s Coordinating Committee
NCPWG	National Child Protection Working Group (Vanuatu)

NGOs	Non-Governmental Organisations
NZP	New Zealand Police
OC	Officer in Command (Police)
OCS	Officer in Command of Station/police area (Kiribati)
PIC	Pacific Island Countries
PPDVP	Pacific Prevention of Domestic Violence Programme
PTC	Police Training Centre (Kiribati)
SOP	Standard Operating Procedures
SOU	Sexual Offences Unit (Fiji)
VPF	Vanuatu Police Force
VPTC	Vanuatu Police Training College
VWC	Vanuatu Women's Centre
WCC	Women's Crisis Centre (Kiribati)

1 INTRODUCTION

1.1 Purpose of evaluation

This evaluation considers the development, implementation and impact of the joint UNICEF/partner governments' capacity development for national police organisations on child protection in three Pacific Island Countries (Fiji, Kiribati and Vanuatu). Its purpose is to determine the extent to which capacity development activities for police in the three countries met their objectives and to assess the relevance, efficiency, effectiveness, impact and sustainability of the capacity development approach. The evaluation focuses on the extent to which services have been improved for child victims, witnesses and offenders from a rights-based perspective. The evaluation also offers practical recommendations for refining the approach with a view to its replicability in other Pacific Island Countries.

1.2 Background

UNICEF, as the international organisation mandated with the implementation of the Convention on the Rights of the Child (CRC) and the Optional Protocols¹, works in partnership with national governments to progressively realise child rights in accordance with national development strategies and related regional and global priorities and strategies (i.e. the Millennium Development Goals/Sustainable Development Goals², Millennium Declaration, the Pacific Plan³). UNICEF's Pacific Islands Countries (PIC) Country Programme key results reflect *A World Fit for Children*⁴ goals of promoting healthy lives, providing quality education, combating HIV and AIDS, and protecting children against abuse, exploitation and violence. To assist with programme planning, UNICEF commissioned baseline studies on child protection in collaboration with partner governments in 2008.⁵ The baseline reports reviewed the situation of children and child protection systems in each country and made recommendations to enhance child protection in three outcome areas:

1. Children are increasingly protected by legislation and are better served by justice systems that protect them as victims, offenders and witnesses.
2. Children are better served by well informed and coordinated child protection social services which ensure greater protection against and respond to violence, abuse and exploitation.

¹ Optional Protocol on the involvement of children in armed conflict (2000) and the Optional Protocol on the sale of children, child prostitution and child pornography (2000).

² UNDP. 2015. 2030 Agenda for Sustainable Development. UNDP: New York.

³ The Pacific Plan is the primary strategy for regional development endorsed by leaders of the Pacific Islands Forum, 2005.

⁴ UNICEF. 2002. *A World Fit for Children: Millennium Development Goals: Special Session on Children Documents; The Convention on the Rights of the Child*. UNICEF: New York

⁵ Norton, A., Taylor, P., Vakaoti, P., Wernham, M., McCormack, F. (2009) *Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Fiji*. UNICEF Pacific.

Kanas, B, Norton, A., Tarileo, B., Wernham, M. (2009) *Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Vanuatu*. UNICEF Pacific
Iuta, T., Norton, A., Taylor, P., Wernham, M., McCormack, F. (2009) *Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Kiribati*. UNICEF Pacific

3. Families and communities establish home and community environments for children that are increasingly free from violence, abuse and exploitation.

The three outcomes are further articulated in country-specific Country Programme Action Plans (CPAPs). The Child Protection component of the country programme seeks cross-sectoral linkages with other programme components in health and sanitation, education, HIV and AIDS, and policy, advocacy, planning and evaluation (Pacific Island Multi-Country Programme, 2008-12).

In response to key results and lessons learned from the 2008-12 programme cycle, the Child Protection component of 2013-2017 PIC Country Programme was reshaped to focus on two key results areas:

1. Child protection systems – justice and police, child and family social services, the health and education sectors as well as the communities themselves – will provide good quality, accessible services to prevent and respond to violence, abuse and exploitation of all children at all times.
2. Parents, caregivers and children will be empowered to demonstrate skills, knowledge and behaviours, ensuring that children grow up in caring homes, communities and schools that are increasingly free from violence, abuse and exploitation.

With regard to the legal and regulatory system, the programme continued to focus on support for implementation and enforcement of new and amended legislation and for legislative reform that brings national legislation in alignment with CRC provisions and the Optional Protocols. It also continued to focus on supporting child and family welfare services through building on positive cultural and traditional practices and local resources to ensure sustainability and economic viability. The programme notes the need for greater coordination and collaboration between government departments, including social welfare, justice, education, and health sectors if this is to be achieved.

The evaluation focuses on police capacity development related to outcome 1 (2008-2012) and key result area 1 (2013-2017). This includes the development of police child protection policies and standard operating procedures (SOPs), as well as policy and procedures for data collection. While the police policy and procedures are being evaluated in isolation from other planned activities, the nature of the child protection system is such that success in one area will be difficult without corresponding achievements in others. Similarly, improvements in police handling of cases involving children are dependent on overall performance in police management and practices.

1.3 Methodology

The evaluation design utilised qualitative and quantitative data sources in a mixed methods approach to ensure data collection is comprehensive, accurate and robust (see the Evaluation Inception Report for a detailed outline of the methodology). The design includes process (or formative) and outcome (or summative) components.

Scope

The evaluation time frame is from 2008 to 2015 with a focus on national level police capacity development work within the overall Regional Child Protection programme. The outcomes sought are:

2008-2012 Programme Cycle Outcome 1: *Children are increasingly protected by legislation and are better served by justice systems that protect them as victims, offenders and witnesses.*

2013-2017 Programme Cycle Result area: *By 2017, governments and civil society have strengthened capacity to provide children and families with improved access to child and family welfare and child justice services to prevent and respond to violence, abuse and exploitation including in emergencies.*

We note that police in Fiji, Kiribati and Vanuatu maybe involved in capacity development activities related to other outcome areas but the specific focus on the above outcome areas reflects the time and budget allocated for this evaluation.

As noted, this evaluation focused primarily on one activity within the UNICEF/Government Child Protection Programme – capacity development for national police organisations on child protection. As a single component in a larger programme it was difficult to examine capacity development for police in isolation from other programme activities and so the boundaries are somewhat artificial. This presented a challenge to the scope of the evaluation and a limitation regarding the impact of other programme activities that interface with police.

Although a review of legislation and regulations was outside the scope of this evaluation, it was important that we were aware of any legislative changes related to police handling of children in each context. As such we have drawn on country reports to the Human Rights Council to provide a summary of legislative changes related to police handling of children to illustrate the mandates under which police work.

We then consider the capacity development activities within each country context and specifically the development of a national police child protection policy and related standard operational procedures (SOPs) within each police force, as well as procedures for collecting statistics on children in contact with the law. We did this by identifying a number of key indicators in the SOPs so as to be able to compare and contrast how police and stakeholders said children were being handled compared to the standards. This also allowed for comparison with previous reporting in the 2008 baseline reports for Fiji, Kiribati and Vanuatu.

We took into consideration the multiple factors that influence police practice which is guided by legislation, organisational leadership, policy, procedures, structures, relationships and resources of the local context police work in.

Data sources and collection methods

- Interviews and focus groups with 264 stakeholders (120 female and 144 male) including children, parents/caregivers, community members, Police, government officials, non-government organisations (NGOs), civil society organisations (CSOs), faith-based organisations (FBOs), UNICEF, donors, and regional policing partners.
- Descriptive police statistics on children in contact with the law, where available.
- Desk review of programme documentation; plans, child protection related research from each of the sites and government, NGO, FBO, and donor reports.

The strength of this evaluation is the in-depth interviews conducted with a wide range of stakeholders including people at different levels within organisations. The triangulation of interview

data with the review of programme documents provides an assurance that the findings are credible and robust.

Wherever possible we sought statistical information from police and other stakeholders to inform our analysis. However, we were largely unsuccessful as only limited statistical data was made available and there are concerns about the accuracy of some of the data. Where data is included in the evaluation we have specified the source and it is primarily used to provide context.

Evaluation Indicators

Evaluation indicators of police handling of children were developed based on local police child protection policies and Standard Operating Procedures (SOPs). While there are some variations of SOPs based on legislative and policy differences the indicators used were similar across the three countries (table 1).

Table 1: Evaluation Indicators of how police are handling of children as victims, witnesses and offenders

<p>All children who come into contact with the law:</p> <ul style="list-style-type: none"> • Police to notify parent, guardian or caregiver; • Having a parent or independent support person present at interviews with children; • Treating child in respectful and age appropriate ways; • Referral to appropriate section within police taking into account serious and type of offence; • If child has to appear in court as victim, witness or offender, conduct familiarization of court with child.
<p>Child victims of abuse and neglect and sexual offences:</p> <ul style="list-style-type: none"> • Implementation of the ‘No Drop Policy’ to investigate cases of alleged harm to children; • Referral to police units that specialize in sexual offences where applicable; • Follow referral policies to social welfare where applicable; • Notify parent or guardian; • Ensure support person with whom child feels comfortable is present during police interview; • Interviews with children to be conducted in private and confidentiality maintained; • Referral for medical examination and follow-up of results for investigation purposes.
<p>Children in conflict with the law:</p> <ul style="list-style-type: none"> • Not detained in cell/mixed with adults; • Not handcuffed unless safety of child or others at risk; only appropriate levels of force used; • Young offenders consistently provided appropriate diversion opportunities for rehabilitation and reintegration back into family and community.

Stakeholders who were interviewed were asked about their experiences in relation to these indicators including children who had been in contact with Police, parents/caregivers, police, government officials, social welfare officers, NGOs/CSOs/FBOs.

Ethical processes of recruitment and informed consent agreed with UNICEF were followed and particular care was taken with the recruitment and interviewing of children. To protect the identity of participants we have identified them only by their stakeholder group. We have been especially

careful to protect the identity of children and their parents and caregivers and have omitted any details that may lead to their identification. The children were taken through an informed consent process first so they understood the purpose of the interview and how the information would be used.

In-depth, semi-structured interviews were conducted to examine various aspects of the capacity development programme for police to allow participants the flexibility to share their knowledge and experiences. Where possible, the views of different stakeholder groups such as the experience of children as victims or offenders are presented separately. We have indicated where a finding is the general view/experience held by most participants or unique to one or two individuals. Due to the small sample sizes, within stakeholder groupings we have avoided the use of percentages in our analysis, and either used the actual number or clearly provided an indication of the proportion of participants who expressed the finding such as 'all', 'nearly all', 'about half' 'some', or a 'few' participants.

1.4 Report outline

The report begins with separate country chapters for Fiji, Vanuatu, and Kiribati on the joint UNICEF/government police capacity development programme for child protection. Each chapter examines the unique context in which the programme is developed, and considers the impact of implementation to date. Chapter five brings the country findings together in an overall assessment of the relevance, appropriateness, effectiveness, efficiency and impact of the programme as well as the extent to which human rights and gender equality issues are addressed.

Chapter six discusses capacity development approaches and looks at the implications of the regional programme findings for future directions in capacity development for child protection for regional government partners and UNICEF. The final chapter concludes with recommendations for UNICEF, partner governments and national police organisations.

2 FIJI

2.1 Introduction

2.1.1 Purpose

This chapter provides the key evaluation findings from Fiji on the joint UNICEF/Police child protection capacity development programme. The objectives of this chapter are to assess the extent to which the child protection capacity development programme has strengthened the Fiji Police Force (FPF) capacity to work with children as victims, witnesses and offenders.

2.1.2 Overview of evaluation method⁶

The period evaluated was from the Baseline Report⁷ to November 2015. The Baseline Report recommendations and subsequent National Child Protection Work Plans outline what strategies and activities were planned to strengthen the child protection system in general. This evaluation focuses on specific tasks for Police associated with the legal and regulatory system and associated outputs.

The evaluation used the following data collection methods for Fiji:

- Review of Baseline Report and programme documentation including work plans, FPF annual reports, donor reports
- Fieldwork at three sites during November 2015: Suva (urban, dense population); Lautoka (town servicing rural surroundings); and Labasa (town servicing rural surroundings).
- In-depth interviews with 136 stakeholders from a range of groups:
 - 61 Police from senior management to frontline (35 male/ 26 female)
 - 43 Children (27 male/26 female)
 - 3 Parents
 - 21 Government officials
 - 13 representatives from NGO/Faith-based organisations
 - 3 Regional donors/UNICEF

2.2 Children's experiences of Police

This section examines the experiences of 42 children (16 girls and 26 boys aged 11-18 years) and some parents and caregivers. The children were recruited primarily through the Ministry of Women, Children and Poverty Alleviation (MWCPA)⁸ and some children were in the care of the Department of Social Welfare at residential homes. Twenty of the children had contact with Police as victims and 25 as juvenile offenders. Three of the children were identified as being in contact with Police as both victims and offenders.

⁶ See the Evaluation Inception Report for evaluation plan and detailed methodology.

⁷ Norton, A., Taylor, P., Vakaoti, P., Wernham, M., McCormack, F. (2009) Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Fiji. UNICEF Pacific.

⁸ The Ministry of Women, Children, and Poverty Alleviation was formed following a merger of the Department of Social Welfare and the Department of Women. We primarily refer to the Department of Social Welfare (DSW) as a number of Social Welfare Officers (SWOs) and DSW managers were interviewed for the evaluation.

The interview methods included a mix of individual interviews, small group interviews with two or three participants and focus groups. A few interviews were conducted with parents present. The information provided by children and some of their parents and caregivers is supplemented by data from interviews with stakeholders who work with children and police. There are separate sections on police experiences and views about working with child victims, witnesses, and offenders.

2.2.1 Child victims and witnesses

First contact with Police

Some children had contact with police once, while others had been in contact multiple times. In some cases the victim reported to the police station with a family member, caregiver, or social welfare officer. A few victims reported to police stations on their own and in other cases children's first contact with Police was at their home or other location and some were then taken by Police to the station. Six victims said they were interviewed by police on their own.

While the privacy of victims interviewed for the evaluation was respected by some police, in most cases there were instances where this was not the case. When victims first reported at the station the officer at the front counter sometimes asked more questions than necessary to establish the situation and this occurred in front of members of the public and other officers. One victim recalled male officers overhearing when she was reporting and making fun, calling her "prostitute" in Hindi.

Five victims said they were not taken to a private room to be interviewed. One of these victims said they felt ashamed telling what had happened to them in front of four or five officers, who were standing around. Another victim was taken into a private room but there were two to three officers present and no independent support person.

Children were asked how they were treated when Police interviewed them, how Police spoke to them, and whether they felt the officer was listening to what they were saying. Across the three sites half the children reported only positive experiences of their initial contact and interview with police; four reported only negative experiences; and six reported a mix of positive and negative experiences on different occasions, depending on the officers involved.

Children with positive experiences said they felt listened too and most thought that the officer interviewing them believed what they were saying.

"she was kind to us"

"she was a humble person"

"was very kind and caring, she was very supportive"

"talking politely"

At each site there was also negative feedback from children who had experiences of police as uninterested, threatening, judgemental, and in a few instances physically abusive. They found that some officers (female and male) could be judgemental, particularly in sexual abuse cases, making "faces", using a rough tone and manner. Some victims experience made them feel more like 'offenders' than victims,

“First when they talked to me they were soft, they took me to the police station when I was not replying the right answer ... then they were rough and they say to me ... if you don’t tell me we lock you in the gaol for one day ... it was not good.”

“Treat children as adults as if they are criminals, even though they are victims they are harsh and rude.”

Ten victims recounted experiences of Police swearing and using vulgar language.

“They shout a lot and only listen sometimes”

“Most police talk harshly to children.”

“When they speak with children they are rude. When children want to say something they shut the mouth of the child.”

One victim said the officer kept answering their phone during the interview and asked her to repeat her answers three to four times, which made her angry. “If someone kept on asking, you will be angry, asking again, again – more than enough.”

Some of the girls interviewed preferred to deal with female officers as they had experienced male officers flirting with them. Another female victim said she would prefer to talk to a female officer because it was easier to be “open” with them. However, the children had both positive and negative experiences with female and male officers highlighting the importance of all officers expressing a kind and caring attitude towards children.

An NGO stakeholder commented that most frontline police would be unable to explain the CRC, “ask any police from neighbourhood posts what is the CRC and they are not trained to provide a technical explanation nor a working understanding of the convention”. The same organisation observed that because police are under constant work stress with little support or knowledge they become frustrated as they lack the tools to solve the issues. This can lead to police turning a blind eye to child soliciting in Suva and Nadi and that children ‘get away’ with this.

Stakeholders who worked with children and police across the three sites generally thought police lacked interviewing skills when it comes to child victims. Comments from various stakeholders were, “Police interviewing [of child victims] leaves much to be desired”, “it was like interviewing a perpetrator”, “they interrogate them ... their interview technique is terrible, they lack sensitivity”. Some stakeholders saw police as having minimal understanding of child abuse, and especially sexual abuse, and so have limited ability to recognise it and respond, including by ensuring the right staff with the right skills do the interviews.

Several stakeholders said some front line police also fail to differentiate between taking an initial statement in order to determine which section should handle the case and conducting an interview,

“Some persist in trying to find out what happened and continue to question the victim long after they should have called in specialists”.

“they take a ‘true confessions’ approach, which confused complainants, rather than focusing on taking a statement”. They needed to be taught how “to go spear fishing and not net fishing”.

“... they [child victims of sexual abuse] become more traumatised with the whole police experience, so when they get to the hospital they don’t want to talk or open up because they have had to repeat the same things of their story.”

With regard to victims of sexual offences, a respondent said, “[victims] were getting drilled on why they were there and what happened. That re-traumatises clients and they would basically run away and they were not getting prosecutions”.

Implementation of “No-Drop” policy

The feedback from children indicates that Police officers are not consistently applying the “No-Drop” policy. One victim said the police did not listen to her or believe she had been assaulted despite having marks on her body. Rather they believed the parent who stated that an assault had not occurred. Another victim said, “police say they will follow-up the case but nothing happens”.

In a number of cases it appeared that after the initial interview with police there was no follow-up investigation. For example in one case where the suspect was known, the victim and her family were frustrated that no charges had been laid and they had not heard from police what was happening about the case. Another case illustrated the lack of communication by police over a two year period and the victim and the family had now given up on any resolution.

Some stakeholders observed the inconsistent application of the No-Drop policy. Several commented that if the perpetrator is a friend or relative of the Police officer “most likely you will never hear of that case”. The implementation of the policy had reportedly improved in some areas, and one stakeholder thought this could be due to increased complaints to Police about the way they were handling children which meant officers had to be more accountable.

Court case and outcome

Of the victims who had their cases taken to court only a few had been familiarised with the court prior to the hearing. Children said they were frightened to appear in court and one victim said it was “very hard to speak out in front of people”. The option of a screen was not provided in that particular case.

Some victims experienced lengthy court processes and the lack of resolution of the case left them and their families feeling frustrated and dissatisfied with the justice system. It also left victims vulnerable and unsafe as perpetrators were at large and in some cases continued to harass and abuse victims. One victim said the suspect still harassed her but she did not feel like complaining to Police as she knew no action would be taken.

“The suspect he harasses me but I don’t feel like going to Police because I know the actions won’t be taken. I don’t want to be in those surroundings once again because now I’m out of... I don’t want to do a Police case again because I’m tired of it.”

A stakeholder observed that the Police tend to place more importance on the investigation rather than the child’s safety, even though child safety is stated in legislation. The Police can take a long time to investigate and the perpetrator can still be around the child until the Investigating Officer (IO) completes the investigation. Lengthy court processes compound the issue.

Some of the children in residential homes had faced years of waiting for their case to be resolved and to be reunited with their families. They were very frustrated by the lack of action and communication about their case.

How children would like to be treated by Police

Child victims were asked how they would like police to treat children.

“Police should be taught how to speak to children, supposed to be kind, speak in a proper way to children instead of threatening you.”

“Treat nicely, politely in a good manner and give you a chance to have your say.”

“Humble, understanding and polite”

“Children should be treated equally”

“Give the job to someone else who understands children”

“Be patient and generous to us”

“Speak politely” “treat them in a good way” “to be kind”

“Should be polite, when they are rude and threatening children get frightened and might commit suicide.”

Street children

Street children fit in the grey area between victim and offender, often apprehended by police for petty theft and begging. Stakeholders argue that police fail to see such children as particularly vulnerable and in need of care and protection, and treat them less favourably than those from better-off homes. One stakeholder said, “For the police children that are begging are not treated as well as a child from a well brought up family for the children on the street are like thugs for them they are children that are moving around and stealing...”.

2.2.2 Children in conflict with the law

First contact with Police

Twenty-five children were interviewed who had come into contact with police as juvenile offenders across the three sites. Some had been in contact only once, while others had seen police multiple times. Children reported different experiences depending on the officers involved, with some officers treating them well while others treated them badly. Children reported being threatened, sworn at, and coerced for confessions, detained in cells, handcuffed, and physically abused.

For example, five boys reported being picked up and taken to the station and held overnight without charge, being threatened with being sat on a hot plate when they would not confess, and being punched and slapped. They were “very frightened” and it was not lost on them that police were more circumspect in their approach in the presence of their parents.

A girl said, “If you really want to have your say they tell you to shut-up because you are underage and we have no say.”

Eighteen of the children said they had been interviewed without family or a support person present. It is unclear whether some of the police questioning experienced by children was actually a formal police interview, or initial questioning followed by a formal interview with or without parents present as described above.

Two offenders described having only positive experiences with police. Both had family members present during the interview. One young person said the constable spoke 'normally' to them, while the other young person said they were interviewed in a private space and felt listened to by the officer. This is in contrast to the negative experiences of the majority of other children. Several parents reported their children being threatened with punishments if they did not 'tell the truth' and spoken to harshly by police during the interview, even when they were present.

"Police are the ones guiding the law. We are talking about child rights or human rights and normally they are the ones that abuse the rights."

Diversion⁹

Some of the young people had experienced informal warnings by police, and on some occasions police had taken them home and talked to their parents. Due to our sampling method most had been charged and had either been prosecuted or were going through a court process. None of the children interviewed reported experience of a Police diversion (formal warning or community conference).

Some young people reported being charged and taken to court, despite the fact that it was a first offence for some and a second for others, for what on all accounts was not a serious offence. However we were not privy to their files or the Police reasons for charging. Neither the parents nor the young people were aware that police could opt for diversion. None of them were given the opportunity to become familiar with the court and its processes prior to appearing. Moreover, they and their families have now appeared before the court five times without resolution. When the boys appeared, the court was declared a juvenile court but rather than affording the boys protection closing the court was used as an excuse to exclude parents on the grounds of confidentiality. In the meantime the boys are under curfew in their village and will remain so until the cases are resolved. While they all had access to (the same) legal aid lawyer, he advised them not to misbehave again rather than providing legal advice. In summing up his experience one boy said, "the judge did not have an open heart".

Further information is required to assess the effectiveness of diversion: who is being diverted, for what reasons, the nature of the plans and outcomes for young people. We recommend this is an area for future monitoring and evaluation.

How children would like to be treated by police

"nicely"

"don't smack"

"should speak nicely, it's the law"

"not swear and speak roughly"

⁹ See section 2.5.2 on the role of the FPF Juvenile Bureau with regard to diversion.

While only two girls who had come into conflict with the law were interviewed, their experiences seemed similar to boys in that they were sworn at and treated roughly by Police on some occasions. One girl said Police should “treat nicely, politely and in a good manner, giving a chance to have your say”.

2.3 Police experiences of handling children

2.3.1 Police awareness of child protection policies and procedures

The FPF child protection policies and SOPs are primarily designed to improve how police officers work with children as victims, witnesses and offenders from the first encounter. Of the 61 police interviewed across three Divisions, 21 were in frontline general duties roles including constables and several supervisors of frontline staff.

Some frontline staff have received limited training on the SOPs at the Police Academy during recruit training in recent years or attended specialist courses in investigative training or sexual offences. The other processes for disseminating the SOPs were: memos sent out to staff and weekly orders; station supervision meetings; and divisional training days.

Most frontline police were aware of procedures as Force Standing Orders rather than as Standard Operating Procedures and many had not seen the SOP manuals or the pocket guide. Frontline officers knew the basic procedures they should follow with regard to handling children as victims and offenders and described them, unprompted by the interviewers. This included contacting parents or guardians if they were not with the child. Nearly all said they contacted social welfare if the parent or guardian was not available and knew it was important to have a support person present during the interview; otherwise the statement taken from the young person is inadmissible in court. Officers knew not to detain juvenile offenders in cells and not to mix them with adults or handcuff them unless absolutely necessary for the young person’s safety.

Nearly all frontline officers said they would contact the Sexual Offences Unit if they were dealing with a victim of sexual abuse. This was more challenging for those in remoter locations and a few said they tended to only contact SOU or CID if they identified a serious case. There were different levels of awareness among frontline officers of the ‘No Drop policy’.

There was a difference between Divisions to access to resources such as the pocket guide that outlined the SOPs. No officers in the Northern Division had seen the pocket guide whereas some officers in the Western Division said the pocket guide was very helpful and widely used, though only a few police interviewed had a copy. Officers in Suva had more access to the pocket guide, which was available in their stores at one station; however it did not appear to be widely utilised. The differences in access to the pocket guide between Divisions reflected general comments about differences in resourcing, for example vehicles, computers, stationary, with diminishing resources the greater the distance from Suva.

A senior officer said they use the SOPs to remind staff of their responsibilities but that there are not enough copies to go around. In another Division one young constable said their station officer kept the SOP manual locked away and would bring it out for lectures. They suggested that if it was more accessible officers could read it during breaks.

Some of the younger constables more recently out of the Academy recalled training they had received on handling child victims and offenders, however most said they had received no further training and would appreciate more. This was supported by some of the senior officers who had observed that new officers did not arrive with the skills they needed in this area. The areas that frontline police identified they would like more training in was interviewing children and communicating with children. Some said they would like to learn more about how to talk to juveniles to better understand underlying reasons of offending such as poverty, poor parenting, and unemployment.

A number of police feel the introduction of the SOPs in 2012 has made a difference to how children are being handled though more training is needed now. Two senior officers thought police were making good progress with implementing the SOPs, but needed more specific training on handling children. The SOPs “have made a difference ... but there is a need for empowerment” of all staff. Some police argue the emphasis has been on training female officers at the expense of all front line staff, “most of those trained [in child protection] are women ... but front line staff, be they men or women, will encounter children and need training”. The emphasis on ensuring women officers are trained in child protection tends to reinforce perceptions that women are better at this work – “we find women officers more comfortable with children”.

While most had a desire for more training, many police talked about learning about child handling through experience and working alongside senior colleagues highlighting the importance of mentoring and supervision.

Stakeholders expressed a range of views about the way police handled children; some thought they had seen improvements in the last few years while others said they experienced little if any change. A child protection expert said, “It’s gone backwards if anything ... police think they have powers beyond the norm”. Others working in the child protection system say they experience police as “coarse and taking a ‘we know’ stance” when their handling of children is questioned. They report that on one occasion they saw a child “thrown into the store room”, a general disregard for confidentiality and children kept waiting for long periods without even being asked why they have come to police in the first instance.

One stakeholder thought police needed to have a better understanding of the legislation and their policies and procedures, “Capacity building for police I would say first of all for them to understand the legislation and translate that into what they do every day would be a great start for them.” Complementing this would be a deeper understanding of child rights and the provisions of the CRC and that relates to police practice.

2.3.2 Police handling of victims and witnesses

First contact with police

When a child comes to a station to make a complaint, or police are called to an incident, police need to assess the severity and type of alleged offending and whether general duties staff can deal with the matter or if it needs to be referred to the CID, or if an allegation of sexual abuse, to the SOU.

Police report that if a child is alone they contact parents and guardians and most times parents or another responsible adult comes to the station and are present for the initial statement and the

interview. Where parents or guardians are not able to come or it is not appropriate they are present, police call a social welfare officer who have an after-hours roster.

Members of SOU across the three Divisions had found no issues with frontline referring cases of alleged sexual abuse to them. SOUs usually ran a 24/7 standby system so that SOU officers would be available to respond when needed. Frontline police officers also stated that they contacted the SOU in these cases and, where possible, take the victim to a quiet place within the station and look after them until the SOU officer comes. Issues of privacy could arise when frontline officers question the victim and their family at the front desk or in other public spaces within the station. This was partly a training issue but also a lack of suitable facilities particularly in smaller stations. While many officers make use of existing facilities such as offices and social space set aside for police, there is no guarantee that they will not be interrupted and the interview disrupted. SOU officers also found that some frontline officers asked the victim too many unnecessary questions so that by the time the SOU conducted the interview, the victim often did not want to talk; they were tired of having to repeat their story. To address this issue in the Northern Division an SOU officer said they spoke to frontline officers about this and had noted a real improvement because now victims seemed more open to talking to the SOU.

Police say they have female officers handle children's cases to the extent possible, they try to apply the "two-person" rule as best they can, and complete the mandatory reporting to DSW. Some police said they tried to match iTaukei and Hindi speaking officers to conduct interviews with child victims and offenders.

Implementation of No Drop Policy

Most police said that the No Drop Policy was applied: "we will not disallow investigations". Officers found the No Drop Policy useful when families tried to pressure them to drop charges as officers could say they were unable to do that. For example, one officer said 'offenders should be held to account'. Some police and stakeholders said that some families try to reconcile the offender and the victim using traditional mechanisms such as bulubulu (ceremony of atonement for family matters).

A church affiliated organisation expressed concern that the voices of women and girls who were victims of sexual offending were not being heard. In their experience some women and girls were forced to accept a traditional informal justice process and apology and forgo formal proceedings. This was a particular challenge in rural communities in which police were related to offenders and allegations were made against senior family members. Overcoming the silencing of women and girls was a major concern in their view, "this is the voice that needs to be heard and isn't".

It is not clear if police actually investigate all complaints of sexual offences and child abuse as required and feedback from some victims and stakeholders suggest this is not always the case.

Medical examinations

Where alleged sexual offences have taken place, police are responsible for organising a medical examination if this has not been done. In the Southern Division Medical Services Pacific (MSP)¹⁰

¹⁰ MSP was established in 2010 to respond to low prosecution rates for rape cases in particular. They provide a holistic medical, legal and counselling post-rape care service to survivors of sexual violence. Although the organisation anticipated a client base primarily of adult women their core client base has turned out to be young women under 18 years of age. In addition to providing specialist medical services, MSP provide legal

provide specialist counselling and medical examination services for sexual abuse victims. Where MSP is not available victims are taken to a hospital or doctors where they have endeavoured to book a time so victims do not have to wait.

In other Divisions MSP does not operate and there can be long waits to see a doctor, particularly waiting in public areas where there is a lack of privacy and in smaller communities people often know who the SOU officer is and why they are accompanying a victim. Or in some cases “[victims] have to wait some time, often in a public environment with a uniformed officer”. Moreover, medical facilities often charge for examinations and reports creating a barrier to investigation and prosecution. Police have no record of how many children are sent for a medical examination but never return, or whether police follow-up on the complaint as they are obliged to do under the No Drop policy.

Implementation of mandatory referral to DSW

When Police receive information about an allegation of violence against a child they are under an obligation to notify social welfare as soon as possible unless another professional has already notified them, such as a medical professional. Police generally reported that referrals to social welfare were going well. However, there was some feedback from welfare officers that referrals from Police were not always happening or there were untimely delays. In some instances DSW did not hear about a case until it went to Court.

Child witnesses

Stakeholders are aware that with the increase in reporting of domestic violence incidents that there is a greater awareness of the extent to which children are witnessing violence and of the effect of this experience on children and young people. There were varying views on how police were taking account of risks to children and their needs in these cases. One child protection expert argues that this is in part the result of police failure to clearly understand the legislation which requires that police attend to children as well as the complainant. In practice it appears police support women to obtain protection orders but then fail to follow up under the Child Welfare Decree, which requires both mandatory reporting and a treatment order. In this way, children and young people who witness violence fall between the cracks. A senior police person agreed that “the introduction of DVRO [Domestic Violence Restraining Order - protection orders] has worked well but I do not see much of protection of children [in these situations] its more sexual offences [there is] less consideration of child protection in DVRO cases”. However, a police officer said that when issuing a DVRO they did consider risks to children. This is an area that highlights the intersection between domestic violence (intimate partner violence) and child abuse and would benefit from further investigation to see how police are handling children when processing and monitoring DVROs.

support and specialist medical and counselling services. MSP medical personnel are able to give evidence in court. As prosecutions have increased so has police confidence in MSP and their interest and willingness to work in partnership. The organisation has a detailed memorandum of understanding with police, which sets out how they will work together: it has just been renegotiated. The MOU includes a capacity development component for police on handling victims of sexual offences as well as work on prevention in collaboration with police and Ministry of Health.

One stakeholder said that Police themselves should be more mindful of how they are acting in front of children as they had experience of children being traumatised witnessing the brutal way Police arrested a family member.

Community awareness

A senior FPF manager said one of their challenges was making Police stations friendlier for children as they were generally fearful of police. This partly comes from a community practice when raising children to tell them if they are not obedient then the police will come and arrest them. Therefore part of community awareness-raising about child protection was to make children and communities comfortable and confident about reporting to the police.

Police participate in a number of community awareness raising activities including the Prevention against Child Abuse and Neglect (PCAN) awareness-raising campaign with the Ministry of Women, Children and Poverty Alleviation and other stakeholders. This work includes visiting settlements around the country to raise awareness about child abuse and neglect, discuss issues, and provide information about where to get assistance.

Across the three Divisions, Police and other stakeholders noted an increase in reporting of child abuse cases, in particular sexual abuse cases. They attributed this to community awareness-raising on child protection and anti-domestic violence which was providing more knowledge and confidence to report abuse. As one SOU officer said, “children now have the courage to report”.

Many stakeholders thought community awareness initiatives, and increased awareness among professionals (teachers, health workers), had led to increased reporting of child abuse. Of concern was the capacity of the child protection services, including police, to be able to cope with this increase.

The understanding of child rights promoted in some awareness-raising messages was not always received as intended. Some parents and guardians understood rights in terms of limiting their right to physically discipline children and giving children the right to behave as they please. Despite the increased awareness, several stakeholders were of the view that the majority of people in Fiji, including police, have only a superficial understanding of rights and protection. Some stakeholders blamed talk of ‘rights’ for children’s behavioural problems and said that children should be taught about ‘rights and responsibilities’.

2.4 National level strengthening of child protection system

2.4.1 Legislative alignment with CRC

The promotion and support for legislation to align with the Conventions on the Rights of the Child (CRC) is an integral component of the approach taken by UNICEF to create an enabling environment for child protection. In 2014 the Committee on the Rights of the Child¹¹ noted a number of significant changes Fiji has made to legislation to align with the CRC including:

- (a) Fiji Constitution (2013);

¹¹ UN Committee on the Rights of the Child. 2014. Concluding observations on the combined second to fourth periodic reports of Fiji. CRC/C/FJI/CO/2-4, 13 October 2014.

- (b) Child Welfare Decree (2010);
- (c) Crimes Decree (2009);
- (d) Domestic Violence Decree (2009);
- (e) Marriage Act (Amendment) Decree (2009);
- (f) Employment Relations Promulgation (2007);
- (g) Prisons and Corrections Act (2006);
- (h) Family Law Act (2003);
- (i) Immigration Act (2003).

However, the Committee emphasized areas of concern and made recommendations to amend legislation and conduct activities. Recommendations that relate to Police work included the age of criminal responsibility¹², the availability of juvenile courts and specialised judges; and the imposing of life sentences on juvenile offenders. We note that the draft Child Justice Decree, which is intended to update the Juvenile Act 1974, includes provisions for juvenile justice¹³ but at the time of this evaluation had not passed draft stage.

To provide independent monitoring of child rights the Committee recommended resourcing the position of the Child Rights Desk Officer either within the existing Human Rights Commission or within a new human rights and anti-discrimination commission.

The Child Welfare Decree 2010 (CWD) is of particular importance to police work as it makes mandatory referral to the Permanent Secretary for Women and Social Affairs by the first professional (medical officer, police officer, welfare officer, legal practitioner) who identifies or reasonably suspects that a child has been harmed or is at risk of harm (CWD 2010 Part 2 sec 4-5).

Information from the Ministry of Women, Children and Poverty shows that in 2014 there were 705 cases of Child Welfare Decree cases. There were 612 cases for the eight month period January to August 2015 indicating that 2015 would likely show an increase in CWD cases. The most prevalent types of cases across 2014 and 2015 were for sexual abuse; teenage pregnancy; neglect; and physical abuse (see Appendix for detailed data).

2.4.2 National Child Protection Work Plans

To address the child protection issues and the recommendations in the Baseline Report, a multi-agency group led by the Permanent Secretary of Social Welfare, Women, and Poverty Monitoring in cooperation with UNICEF developed annual or bi-annual National Child Protection Work Plans. The development of the work plans is progressed through the National Children's Coordinating Committee (NCCC) whose members include representatives from government, NGOs/CSOs/FBOs. The Officer in Command (OC) of the Juvenile Bureau represents the FPF on the NCCC and contributes to the development of work plans from the FPF perspective.

¹² A person who is under age of 10 years is not criminally responsible for their actions. The state must prove criminal capacity from the ages of 10-14 years. (Crimes Decree 2009)

¹³ The FPF Standard Operating Procedure – Diversion Options for Youth draws on the draft Child Justice Decree.

The main output and activity areas for the FPF across the 2008 – 2012 programme cycle included the development of the FPF child protection policies and Standard Operating Procedures (SOPs). The 2013-2017 programme cycle focuses on building on legislative and policy reforms of the previous cycle and “ensuring the implementation and enforcement of the newly amended or passed laws” (Fiji Child Protection Multi-year Work plans 2013-2014 and 2015-2016). This includes a focus on interagency coordination at the national level via the NCCC to advocate for laws and endorse draft bills; to facilitate the implementation of legal, regulatory and policy frameworks by developing interagency MOUs; advocating for budgets to resource implementation; and workforce development.

An MOU between agencies including the FPF to better coordinate and collaborate their activities and information in the interests of child protection had been reviewed and a new version was awaiting signoff by the government at the time of the evaluation.

2.4.3 Development of FPF child protection policies and procedures

To implement legislative changes and enhance the capacity of the FPF the OC of the Juvenile Bureau sought technical assistance from UNICEF to develop child protection policies and Standard Operational Procedures. UNICEF funded a consultant to work with the FPF and stakeholders from the NCCC. The development process included monthly meetings with members of the FPF and NCCC to discuss and design the policies and procedures. Senior police management from Police Headquarters were also consulted. Members of the FPF involved in the development of the SOPs were positive about the process and thought the resulting policies and procedures reflected the views of the FPF. Several Police stakeholders said it was important to have regular review of SOPs to update to current context and legislative changes.

Other stakeholders from the NCCC were reportedly closely involved, and representatives from health and welfare were central to consultations on the SOP for investigating sexual offences. More lately agencies involved with disabilities were consulted.

Several senior Police managers expressed appreciation of UNICEF ongoing support to develop their capacity with children and in particular the technical assistance to develop the SOPs and training, and assistance with the Blue Light programme. A senior manager said,

“So in terms of the technical support and capacity of the organisation they have been very much part of the full process. We are thankful for that. With the difficult time Fiji has gone through, I think we have not shied away from the fact that we have responsibility to see that children are protected. We have consistently engaged with UNICEF along the way to make sure we provide the service.”

The planned review of the current policies and SOPs would be an opportunity to develop FPF in-house drafting capacity in relation to child protection. Below is a brief overview of the child protection policies and Standard Operating Procedures that have been developed.

The Standard Operating Procedure (SOP) for Handling Children (2011)

A SOP for Handling Children was developed in 2011 to guide the FPF when dealing with children who are victims, witnesses or offenders. The procedures sought to align with legislation (Juvenile Act, [Cap 56] and Child Welfare Decree No. 44 2010) and with the CRC.

The SOP is guided by the following principles:

- Protection from Harm
- Mandatory presence of parents, guardian or social welfare/ involvement of parents/guardians
 - Officers are advised that when interviewing children for any form of abuse the parent or guardian should not be present as this may unduly influence the child's version of events.
- Juvenile offenders to be advised legal aid available and free.
- Use of Force/restraint
 - Specific instructions to Police Officers they must never use physical force unless the child is a danger to themselves or others and only reasonable force should be used. (However 'reasonable' is undefined.)
 - Behaviours not to use with children are listed including language that could mentally or emotionally abuse a child and acts that may embarrass, shame, humiliate child while in police custody.
- Explanations of rights
- Instrument of Restraint
 - Children should never be handcuffed unless necessary to prevent harm or from escaping.
 - Children should not be kept in remand except in exceptional circumstances and in accordance with Bail Act. If detained they should be kept separate from adult suspects and offenders.

Standard Operating Procedure for Investigation of Sexual Offences

This SOP builds on the general principles and procedures of the SOP for Handling Children to specifically focus on investigation procedures for complaints of sexual offences with regards to both victims and offenders. There is a considered description of how to interact with child victims and guide on conducting sensitive interviews. A key investigative principle is the 'No Drop Policy',

All matters where a crime has been committed (or reasonably suspected of being committed) against victims of sexual crime will be duly investigated and referred to the courts for adjudication. 'No Drop Policy'. (FPF SOP for Investigation of Sexual Offences p.10)

Standard Operating Procedure - Diversion Options for Youth (August 2012)

The SOP for Diversion Options for Youth and associated Juvenile Bureau forms¹⁴ came into operation on the 30 August 2012 and the responsibility for administration rests with the Juvenile Bureau, Suva. Diversion is defined as "a process of dealing with a child who is alleged to have committed an offence, away from (otherwise known as 'diverting away from') the formal justice system and resolving the conflict through community interventions". A number of the policy directives address concerns raised in the baseline report, for example officers are to contact parents/guardians before

¹⁴ The Juvenile Bureau forms provide templates for processing youth offenders (information for parents/guardians; official caution; juvenile offender info; incident report).

any interview takes place or before a formal warning. The FPF are not to use physical force or handcuffs unless absolutely necessary to prevent escape or harm. Young people in detention are to be kept separately from adults. Officers are also to provide the young person with information about their rights and the reasons decisions and actions have been taken.

Fiji Police Force Pocket Guide – Dealing with young people

The Pocket Guide is a summary guide for frontline officers' reference and contains key points from all the SOPs that relate to children. It clearly lays out what an Officer has to remember when dealing with children as victims, witnesses or offenders.

Fiji Police Force – Standard Operating Procedure on Registering of Children and the Register for Children (September 2012)

The development of the Register for Children and accompanying SOP responds to the baseline finding that there was a lack of sex-disaggregated data on children collected by police. The purpose of the SOP and Register is to *“Allow for a structured and consistent means of collecting and analyzing data relating to the young people who come into contact with the law” (SOP Registering of children 2012:4)*. This would enable a more in-depth understanding of the reasons children are coming into contact with the law so that better responses and proactive strategies can be developed. The national responsibility for administration rests with the Juvenile Bureau and at a station level it is the responsibility of the Station Crime Writer to monitor the Register on daily basis.

Training packages

Two training packages on child protection were developed for the FPF with technical assistance from UNICEF. One training package was a generalist programme for police officers across ranks. This package was aimed particularly at frontline staff who handle child victims and juvenile offenders. The other training package was more specialist and was targeted at Child Focal Points (assigned officers at station level to act as champions and advisors regarding child protection issues).

2.5 FPF capacity to implement child protection policies and procedures

2.5.1 Leadership and prioritisation of child protection

Child protection policies and procedures have been endorsed at the highest levels of the FPF with past and current Commissioners and members of the executive team being supportive. However, according to a police stakeholder the challenge for the FPF is to ensure that commitment is reflected throughout the organisation, particularly at the station level. Building compliance at the station level requires sustained leadership support at divisional and national levels. They observed it will take considerable time to institutionalise a cultural change throughout police in which children are a priority. What had helped to make changes was ongoing advocacy internally from within police and externally by UNICEF, communities, and civil society organisations including non-government and faith-based organisations. A key role for these organisations is challenging police when they do not respond or treat children appropriately.

There is no dedicated budget for child protection in the FPF, rather it is part of the operational budget primarily under CID (including Juvenile Bureau and Sexual Offences Unit), Community

Policing (responsible for crime prevention activities such as community awareness raising), and general duties functions of frontline officers.

The FPF has approximately 20.5% female to 79.5% male officers and this ratio has remained fairly constant for the last four to five years. There have been policies to increase the recruitment and representation of female officers at all levels and in all areas of work. In 2012 women comprised: 7% of Superintendents; 11% of Inspectors; 11% of Sergeants; and 17% of Corporals. There are now a number of female officers who work in investigative roles with CID. A senior police manager observed there has been changes to the role of women within the FPF over time,

“That has been the focus that we have been working on for the past number of years, which we are getting to a good standing at the moment with the placement of our women in CID which we would never have dreamed in the past. When we first came in we were more into administration work. But now we have our women officers that doing active investigation from the frontline.”

The FPF have two specialist units that support child protection work in Police, the Juvenile Bureau (JB) and the Sexual Offences Unit (SOU). Historically there has been a two pronged approach to child protection where the Juvenile Bureau focused on the rights of juvenile offenders and the SOU on the rights of child victims of abuse (all types of abuse). Over time the role of the SOU shifted to focus primarily on sexual offences against adults and children. The JB now takes responsibility for promoting child protection across victims, witnesses and offenders. The following sections outline the functions and activities of the Juvenile Bureau and SOU in relation to child protection.

2.5.2 Juvenile Bureau

The Juvenile Bureau operates nationally from Suva (currently six member unit) and there is a Juvenile Bureau Officer based at each Division. The national unit has the following functions, and the table below shows the interface between the unit and UNICEF support for capacity development activities nationally and specifically for the FPF.

Main functions/activities of Juvenile Bureau	UNICEF capacity development support
The OC of the Juvenile Bureau is the FPF representative on the NCCC and has a responsibility to build and maintain partnerships with other stakeholders in the child protection system. They are also responsible for representing the FPF in the development of National Work Plans on child protection along with other stakeholders in the NCCC.	UNICEF supports the development of National Work plans and fund specific activities. UNICEF also support and participate in NCCC meetings at national level.
Strategic oversight and promotion of child protection within the FPF including the development of Police child protection policies and SOPs.	UNICEF funded technical assistance to develop SOPs and pocket guide
Development and delivery of specialist child protection training.	UNICEF provision of technical assistance to develop training packages.
Facilitate Child Focal Point policy and provide training	UNICEF provision of technical assistance to develop training package for focal points.
Responsible for collecting data on children	UNICEF technical assistance developing

	child register, training, and provision of laptops to crime writers.
Raising awareness about child protection with communities throughout Fiji including regular radio slots; speaking at community events, schools, villages etc; participating in public awareness campaigns with partners.	UNICEF provides some campaign materials such as pamphlets and posters.
Investigations and decisions regarding appropriateness of diversion or court for juvenile offenders committing summary offences.	
Management of Blue light programme camps for vulnerable children	UNICEF partially funds cost of camps.

Strategic direction

The Juvenile Bureau within the FPF has responsibility for the development of policy and strategic planning on child protection, including juvenile justice. The OC of the Juvenile Bureau said the findings of the baseline report have been fundamental to informing the Juvenile Bureau strategic direction on child protection with three main areas of focus:

1. Improving services through developing and implementing procedures on handling children.
2. Strengthening partnerships with other government agencies, NGOs/CSOs/FBOs as police need to work with others to address child protection.
3. Aim to create the protective environment for children in Fiji through raising awareness both within the FPF and with communities.

Child Focal Points

To better integrate and promote child protection at the station level the Child Focal Point (CFP) policy was developed as there was not enough members of the Juvenile Bureau throughout Fiji with usually only one officer based in other divisions. The identification of champions for child protection within the FPF was an objective for the FPF in the 2008-2012 work cycle. Two or more CFPs were identified for each station and were brought together to receive specialist training by the members of the Juvenile Bureau, at the Police Academy in Suva. The role of CFPs included being the 'go to person' for station staff to advise them on child protection matters for victims, witnesses and offenders and to promote this area with other staff members. Members of the Juvenile Bureau involved in community awareness-raising found having a local CFP who could inform them about their communities, identify key groups to target and in particular what issues to discuss was very beneficial.

Overall, members of the Juvenile Bureau thought that while the idea of CFPs was good, it had not worked as well as intended. Some of the challenges were that CFPs were primarily chosen from lower ranks and therefore did not have the status within the FPF to promote child protection. The CFP role was on top of officers' normal duties and they did not receive any additional remuneration or recognition for the role although 'it was not easy to do well'. The first cadre of CFP officers were

soon transferred around the organisation and expertise was soon lost. It was also noted that the CFPs are not line managed by the Juvenile Bureau who has no control over their activities.

Police stakeholders suggested that the role of CFP were worth doing again but with changes including more recognition for the role including remuneration. Importantly it required officers of a higher rank than constable to carry the status the role requires to instigate changes at station level. A more systematised approach was required to accommodate staff transfers and changes so that the knowledge and status the CFPs have in child protection is not lost and there is good handover and the ability to transfer with the role.

Diversion of children in conflict with the law

A young person (aged 10 – 17 years) can be given diversion for summary offences at three points in the justice system, by police, prosecution and the court. With regard to police diversion, the options for officers dealing with juvenile offenders are:

1. On-the-Spot informal warning (no arrest)
2. Formal Warning (or Formal Caution – includes a diversion plan)
3. Community Conference (purpose to facilitate development of diversion plan)

The Juvenile Bureau officers play an investigative role to determine if a juvenile offender should be released, receive police diversion, or be processed through the court. Cases are referred to the JB (this can be via the Station Child Focal Point) where a summary offence has been committed and is eligible for a formal warning or community resolution. For minor offences where an informal warning is given the JB are not involved.

The case is led at the station level by the Investigating Officer (IO), and the role of the JB Officer is to conduct a background report on the juvenile (community, schooling, family) to inform the OC JB who decides if they are suitable for diversion.

2.5.3 Sexual Offences Unit

The role of SOU at a national level is strategic oversight and liaison with stakeholders such as DSW, Ministry of Health, Ministry of Education, and NGOs such as Empower Pacific, Fiji Women's Crisis Centre (FWCC) and Medical Services Pacific (MSP). A major component of their role is awareness-raising in communities and schools. This is mirrored at Divisional level where SOU officers liaises with local stakeholders in interagency forums and take part in awareness-raising activities.

At Divisional level the SOU have an operational role which is structured differently depending on the location. Across all Divisions, in cases of alleged sexual abuse offences, frontline officers refer victims to SOU officers (where available) to conduct interviews and take statements from victims. The SOU may also take the victim for medical examination if required and if they have available transport. They are responsible for 'walking alongside' the victim throughout the investigative and court process and liaise with the Investigations Officer (IO) who leads the case and deals with the alleged suspect. The 'No Drop Policy' is key to instigating investigations for all alleged cases of sexual offending against children and adults.

In the Northern Division the SOU also has an investigative role and deals with both victims and offenders and take overall responsibility for the case. While this has added to their workload, the

reported advantages of leading the investigation included being more informed about the progress of the case and court processes which they are able to quickly communicate to the victim and their family. Having the SOU take responsibility for both the investigation and the needs of the victim was potentially a way of balancing the justice system which tends to focus on the investigation and prosecution of the offender rather than timely resolution for the victim.

SOU staff were victim focused and appeared mindful of their needs. Across evaluation sites police, stakeholders and victims had all noted that investigations could take too long from a victim's perspective, as could the court processes. The structure for CID and SOU with regard to investigations and victims needs would benefit from further scrutiny to identify the optimum process that includes a victim/child centred approach. This could also be applied to court processes.

Investigating Officers are usually responsible for court familiarisation of victims prior to trial and the SOU in the Northern Division report they are doing this. They consider this is important as it helps give the victim more confidence to give evidence. They believe this has contributed to their success rate with cases and high conviction rate. Members of SOU from other Divisions thought that the IO were not consistently doing court familiarisation, possibly due to the pressures on their time. We did not examine conviction rates or reasons why cases may have not proceeded in court and this would be an important area for further examination.

2.5.4 Management and accountability

The SOPs developed with the assistance of UNICEF are part of FPF Force Standing Orders and it is mandatory for staff to follow these procedures. It is the Station Officer's responsibilities to monitor and supervise staff to ensure that the SOPs are followed correctly. Where they are not being followed the Station Officer can discipline officers for neglect of duty.

Some of the systems used to monitor the activities at station level are the daily crime reports and morning situation reports which would identify any incidents involving children, including whether any juvenile offenders had been custody. The Divisional Crime Officers were responsible for making decisions about any crime matter involving children (victims and offenders). Shift supervisors would be responsible for the activities and behaviour of frontline officers.

The justice system and child protection partners may also identify if procedures are not being followed correctly. For example if parents, guardians or an independent support person is not informed and present during a juvenile offenders interview then the child's statement would be inadmissible in court and the case 'thrown out'. If mandatory referrals were not being made to DSW, this would also be another indicator procedures were not being followed.

There is no independent complaints process for Police apart from the Fiji Independent Commission against Corruption and the Fiji Human Rights and Anti-Discrimination Commission. The FPF have the Internal Affairs office which deals with complaints made by the public about Police and is under the leadership of the Deputy Commissioner.

While monitoring mechanisms are in place, it is unclear if the way officers handle children receives enough attention from supervisors. A police stakeholder suggested that better accountability and monitoring systems were required in the FPF to more clearly identify "who was accountable to whom and what should happen if staff do not do what they should",

Aligned to monitoring and accountability is the ability of police managers to supervise and mentor their staff, particularly junior officers, as much of their learning is done on the job. This area was identified by one police stakeholder as generally lacking in the FPF which affected officers' ability to work with children. The general strengthening of supervision, monitoring and mentoring skills within the FPF would be beneficial to the implementation of child protection policies.

2.5.5 Monitoring and evaluation to inform strategic planning

The child register developed to improve the collection of data on children is not yet being implemented as staff see this as an extra burden rather than a necessity. The Juvenile Bureau has been advocating for the collection of more statistics on children within the FPF and to aid in this crime writers at station level have been given laptop to input statistics on the children. Crime writers are now all reporting to one person in CID who has a UNICEF computer and is collating data on children.

2.5.6 Training provided for child protection policies and SOPs

In 2013 the child protection policies and SOPs were launched within the FPF with a round of training on three SOPs: Handling Children; Investigating Sexual Offences; and Diversion Options utilised the two training programmes developed with technical assistance from UNICEF. Training was delivered by members of the Juvenile Bureau at Divisions within Viti Levu and Vanua Levu to supervisors, Station Officers and Child Focal Points. Child Focal Points were also brought together at the Police Academy to receive more training using the specialist training package that had been developed. These training packages have been made available to the FPF Training Academy in Suva to integrate into their curriculum. However, the extent to which this has happened is unclear.

Fiji Police Academy

The Fiji Police Academy Research and Development Unit is responsible for identifying training needs, designing training programmes for all levels of police and course evaluations. The Academy conducts training needs analysis drawing on feedback from their course participants and from Divisional training officers who canvass the needs of their local areas. They also utilise statistics from the Police Statistics Unit to inform their needs analysis. Training packages are developed by the Research and Development Unit who sometimes draw on external expertise and advice from other organisations where necessary. This has included expert legal and technical advice provided by UNICEF. This Unit are also responsible for course evaluations to assess the effectiveness of the training the Academy delivers.

The Unit has identified training in the areas of handling juvenile offenders and child victims of physical and sexual abuse as important. Of particular concern was the length of time it was taking police to conduct investigations in child abuse. This area highlighted a need for better interviewing skills with children. Many police and other stakeholders identified the need for more training on interviewing child victims as this is a specialised area of work.

Increases in reporting sexual abuse of children had prompted senior management to request that a course on sexual offences be included in the 2015 curriculum. This programme had been developed a number of years ago based on a sexual offences in Australia. The senior manager thought it was important to increase the capacity of frontline police, male and female, to handle victims of sexual

assault, especially children due to their vulnerability. The SOU was not present at every station and frontline services needed the skills to be able to deal with cases in the first instance .

The Fiji Police Academy incorporates information on child protection into their courses (as modules or units) for recruits and courses for existing staff across all ranks. Legislation such as the Child Welfare Decree and Juvenile Act is covered by the Academy to inform Police about FPF policy and procedures to deal with children as victims and suspects of crime. A trainer said, *“we also incorporate rights, CRC, ... Their right as detainees, children being in our detention at the police station, and how they are handled. It is very important”*.

The Academy uses the three SOPs relating to child protection and the OC of the Juvenile Bureau conducts lectures on different aspects of child protection to recruit courses and investigators courses.

There is no specific training on women’s rights or child rights and the CRC. Rather gender awareness, gender sensitivity and child rights are incorporated into training modules. Police currently do not receive any training on how to handle children with disabilities however Academy staff said that Police know where to seek assistance such as getting a translator for sign language (several frontline officers mentioned they had done this although it was rare). They also thought that Police were aware of the rights of children with disabilities. They agreed it was an area where police could have some more specific training.

The Academy hosts external providers to deliver courses and workshops exclusively about child protection. In the past this has included a UNICEF funded workshop to train Child Protection Focal Points. In 2015 had about six workshops/courses delivered by external agencies in relation to human rights which included information on child rights and the CRC. The Human Rights Commission from Geneva delivered workshops on human rights which emphasised the CRC and discrimination against women. Academy staff found it beneficial to these workshops to further inform the development of their own courses on child protection.

2.6 Conclusion

The variability of children’s experiences showed that while there had been some progress since the Baseline Report in 2008 there is still much the FPF can do to provide a consistently good service to children and their families. While half the child victims interviewed only had positive experiences of their initial contact and interview with police, half had negative encounters with police being uninterested, threatening and judgemental. There were a number of instances where privacy was not respected and where victims had to repeat their story to different officers.

The ‘No Drop Policy’ is not being applied consistently, although police generally said if there was a case of sexual offending they would refer to the SOU. All police interviewed were aware of the SOU and its functions. There was feedback that in rural and remote areas that transport and access to refer to the SOU and CID presented challenges. Some stakeholders suggested it could be difficult for some police who were friends or related to the perpetrator to resist pressure not to pursue a case, particularly in small communities. Some Police said they found using the No Drop policy useful when they came under such pressure.

The introduction of mandatory referral to DSW under the Child Welfare Decree 2010 appears to have improved police reporting of cases to social welfare. However, there is still room for improving this process to ensure referrals are done consistently, and in a timely way.

Across all evaluation sites there were cases of victims experiencing lengthy investigations and court processes, some with no resolution leaving them frustrated, angry and in some cases unsafe as they were still vulnerable to their perpetrator. According to police in the Northern Division some of these issues were being addressed as the SOU were also the investigating officers, this allowed them better access to information to communicate with victims and to conduct court familiarisation. Further examination of the role and structure of the SOU would be required to recommend the optimum model for the unit.

The majority of child offenders interviewed reported negative experiences of police including threats, intimidation, physical abuse, harassment, and inappropriate detention. Over half these children said they had been interviewed without an independent support person present; it is unclear if this was a formal interview or initial questioning or both.

These findings stand in contrast to frontline officers knowing the basic procedures, if not being familiar with the SOPs per se, and having some awareness of children's rights. As one stakeholder commented, being aware and having the depth of understanding necessary to changing attitudes and practices are two different things. The feedback from stakeholders, children and some police was that police require more depth of understanding of the legislation and the child protection policy and procedures. A strong finding was that some officers lacked sensitivity, communication skills, and understanding of children, and had little ability to recognise child abuse (including sexual abuse). Their judgemental and authoritarian attitudes only served to traumatise children further.

The evidential base provided by the baseline report has been important in assisting the FPF to develop strategic direction and police policies and procedures. However, the FPF capacity to better collect data about children (Child Register) to further inform strategic direction and targeted activities has not yet been implemented. Progress on legislative changes and the development of FPF policies and procedures and training packages have put in place the structures and mandate for better service to children and their families. The challenge now is embedding those policies and procedures within the FPF throughout Fiji. At an organisational level, this requires attention to all aspects of organisational functioning such as leadership, management, accountability, organisational structure, human and material resourcing, training and workforce development.

The police are part of communities and part of a network of justice and welfare agencies, NGOs, CSOs and FBOs. They have a vital role to play in protecting children but they cannot do it on their own. There are indications that police have increased their partnership approach, for example, in joint community awareness activities, participation in NCCC nationally and at divisional levels. The referral processes to DSW, medical facilities, counselling services and other support services for children require ongoing commitment and relationship building on both sides. This includes more actively applying MOUs that support coordination and collaboration and shared understanding of roles and responsibilities among partners. One stakeholder said, "Re stakeholders and partner NGOs, if everyone is aware of what their role is and to best utilise the partners, like addressing child protection issues, we would have a stronger base then."

Findings suggest that when FPF are held to account by the public or NGOs they do respond with improved practice or make attempts to improve practices. While a complaints process is an important mechanism for children and families to address their concerns and grievances, it ought not be the only driver of change. There should also be a positive impetus within FPF to change attitudes and practices. A few police talked about having a passion for child protection and the importance of comprehensive training to communicate this to other officers so they would handle children appropriately. Other drivers for the FPF relate to improvements in organisational performance that would result from implementing child protection policies and procedures such as achieving higher prosecution and conviction rates for perpetrators of child abuse, and the potential to reduce reoffending (recidivism rates) with early intervention with juvenile offenders.

The following section assesses the joint UNICEF/Police capacity development approach and activities in Fiji.

2.7 Evaluative assessment

2.7.1 Relevance and appropriateness

The joint UNICEF/Government of Fiji capacity development programme for police on child protection is highly relevant in a context in where levels of violence against women and children are high. Police have a key role to play within the justice system in dealing with child victims of, and witnesses to, violence and juvenile offenders and, as such, need the capacity and capability to do so effectively and efficiently. The development of a child protection policy and standard operating procedures is also relevant in that it is a key mechanism for improving police performance on handling children. However, improving police handling of children depends also on improving the way children are handled in the overall justice systems.

The significant (and ongoing) alignment of legislation with the CRC has provided a mandate for police to align their policy and procedures to implement the law. The passing of the draft Child Justice Decree which updates the Juvenile Act 1974 would further strengthen the basis for police diversion processes.

While, the policy and procedures were developed in consultation with the FPF and with the NCCC there is room during the upcoming review of the SOPs to make them more appropriate to the Fiji context. Consultation with staff at station level, including with frontline officers, would have the benefit of identifying how the policies and procedures could be enhanced from an operational perspective. This would engage general duties staff, raise their awareness about their role in child protection, and promote ownership of policies and procedures. Likewise, consultation with communities to identify their understanding of, and concerns about, police handling of children would likely ensure that the CP policy and procedures were based on shared understandings and hence were widely accepted by police and communities.

There has reportedly been some misunderstanding of child rights with feedback that it has undermined parental authority as children now think they have the 'right' to do what they like. Contextualisation of human rights concepts would provide a deeper understanding of the CRC and is necessary if child protection is to be widely owned and prioritised.

2.7.2 Effectiveness and sustainability

The development and implementation of a child protection policy and procedures appears to have resulted in some progress in building police capacity but there is still considerable work to be done. Moreover, it will take time to implement the necessary organisational cultural shift within the FPF. While the FPF leadership have demonstrated commitment by implementing the policy, success depends on it being further embedded throughout the organisation. Child protection needs to be reflected in strategic planning and information systems, management and accountability, and workforce development and training. Implementation also requires adequate resourcing, particularly for areas outside of Suva.

Further training and ensuring access and coverage for all officers across the country will be important, particularly for frontline officers who are most often the first point of contact children have with the police.

Programme support for national child protection coordination mechanisms has been beneficial in promoting relationships and facilitating coordination among stakeholders. These mechanisms now provide a sound basis for developing and implementing MOUs between child protection agencies that include reporting and accountability measures.

The provision of technical assistance to develop the policy, procedures, and training packages was welcomed by the FPF. However, building in-house capacity of the FPF, including the Academy, will be important to ensure sustainability. A challenge to sustainability is when key personnel transfer within, or leave, an organisation. Building a critical mass of knowledge about child protection within the FPF will make the organisation more resilient to staff changes. Provision of appropriate status for roles and structures to maintain the role (e.g. child focal points) may go some way to assisting with sustainability.

With regard to ensuring the capacity development activities with police are coordinated with other actors in the child protection system, engaging stakeholders to develop a shared understanding of a theory of change that details both the outcomes and impacts, as well as how change will be achieved, will provide a solid foundation for the work. An example of the importance of monitoring at a systems level is the increased reporting of child abuse, which has been partially attributed to the extensive community awareness-raising that encourages children and families to report. Of concern is matching the capacity of services such as police to be able to appropriately respond to increased reporting.

2.7.3 Impact

Children's experiences show that the impact of the CP policy and SOPs has been modest and the number of negative experiences indicates there is considerable work to be done on implementation. A central issue from children's perspective is the attitude of officers, the way they are spoken to, and experiences of intimidation and bullying. Officers may know basic procedures but some lack the understanding and empathy about how to treat children appropriately. We also received positive feedback about officers from children and families and it is instilling their attitude and manner with children throughout the FPF that will be important to cultural change within the organisation.

The policy has also had limited impact with regard to the lengthy investigations and court processes experienced by child victims and offenders which indicates systemic issues which need to be

addressed. At worst this has left some victims vulnerable to harm and harassment from their perpetrator.

2.7.4 Efficiency

Efficiencies could be gained with increased coordination between donors, particularly in the areas of domestic violence and child abuse, which are closely linked. Developing the technical expertise within the FPF with regard to child protection, including the development of SOPs and training packages in child protection would also enhance efficiency and ultimately be more sustainable.

2.7.5 Human Rights and Gender

There is no specific training on women's rights or child rights, rather gender awareness and child rights are incorporated into training modules within the Fiji Police Academy. The Academy hosts specialist workshops delivered by other agencies that incorporate human rights, CRC and CEDAW training. As there is limited access to and places on specialist workshops and, moreover, external agencies specialising in HR and gender do not necessarily tailor training on police specific issues to implement legislation and protocols, further capacity is needed within the FPF. Capacity is also needed to address the deficit in handling of children with disabilities.

The FPF have promoted the recruitment of women in order to better reflect the community they serve. Currently women comprise 20.5% of the FPF, a level which has remained constant for the last four to five years indicating more work is needed on the recruitment and retention of female police. The emphasis on encouraging and enabling female officers to fill all roles has led to more female officers in the higher ranks and in significant leadership roles but there is much room for improvement.

In some instances women officers have been prioritised for work in SOUs and given preferred access to training in child handling. The risk in prioritising women for this work is that it comes to be seen as "women's work" and of lesser importance. Moreover, male officers who work with victims as frontline officers and CID may go untrained and find the work increasingly difficult. Gender sensitisation is required across the service as evidenced by the gender stereotypes and attitudes of some male and female officers towards girls who had been sexually abused. It will be important to ensure that SOUs are staffed by appropriately trained men and women.

2.8 Recommendations

Government of Fiji and UNICEF jointly:

- Replicate the regional recommendation to develop a Theories of Change approach at the country level to develop a shared understanding of, and approach to, capacity development for child protection as a means of improving ownership and achieving greater contextualisation;
- Based on a shared Theories of Change approach agree a joint programme strategy, plans and activities (including those for the FPF) incorporating regular monitoring and evaluation;
- Identify what specialist services child victims, witnesses and offenders need to support their access to justice and to rehabilitation and reintegration within communities. Map service

accessibility and gaps, and consider means of supporting the development of specialist services throughout Fiji.

- UNICEF and FPF jointly identify ways to develop FPF technical and specialist capacity in child protection such as developing training packages; interviewing and investigative skills; data collection and analysis regarding children.

Government of Fiji:

- Enact child protection legislation and regulation to bring all national legislation in line with the CRC;
- Identify ways to streamline processes throughout the justice system in order to shorten the time of investigative and court processes for child victims, witnesses and offenders.

Fiji Police Force :

Police policy and procedures

- Commissioners and other senior managers demonstrate unequivocal support for child protection by leading the revision and dissemination of a national police policy for child protection;
- Review standing operating procedures for handling children against the revised child protection policy, ensuring that procedures are relevant to local context, available in local languages;
- Integrate child protection policies and SOPs within all organisational management and accountability, systems and structures, human and material resourcing, training and workforce development.
- Support police staff to implement the child protection policy and SOPs through access to training; mentoring and supervision; resourcing; and accountability processes.
- Conduct a process evaluation of SOP implementation with a view to supporting adaptation and ongoing learning.

Police Training and Workforce Development

- Further integrate child protection training into national training curriculum and ensure all staff have had access to basic and refresher training on child protection, human rights and gender sensitisation;
- Ensure all systems and processes can be analysed by gender and initiate a regular gender review of all appointments, promotions and trainings.

3.1 Introduction

These findings draw on the views and experiences of 51 informants (21 females and 30 males) with experience of police handling of children, as victims, witnesses and offenders, following the introduction of the Vanuatu Police Force (VPF) Child Protection Policy (CPP) and related Standard Operating Procedures (SOPs) and the Juvenile Occurrence Book.^{15 16} Locating child participants, without risk of further harm within the timeframe of the project and in the absence of a formal welfare system was difficult. As such, the voices of only three young men are included here. Nearly half (23) of the interviews are with police, at all levels and across all sections of the organisation, a third (eight) of which are with women. Ten Vanuatu government staff participated in interviews or group discussions, half of them women. Eleven NGO staff contributed their views, more than half (seven) of whom are women. The final four participants are international donors or advisors.

Background to the development of the VPF's CPP and SOPs, which is just one component of the national child protection system, is provided at appendix 3. A summary of child protection programme activities and progress to date is also included.

3.2 Police handling of children and young people

In Vanuatu, police react to an alleged offence of violence against children and young people in one of two ways. If, following an initial assessment, General Duties police determine there is no allegation of a serious crime, they handle the case themselves. If the allegation involves a more serious crime then the case is to be referred to the CID, of which the FPU is a division. For all cases involving sexual assault and/or domestic violence, the FPU is to be notified for advice and support.

The SOPs differentiate between handling child victims of, and witnesses to, violence and juvenile offenders. Children and young people who are victims of violence, particularly sexual violence, are to be handled with particular care and consideration. The intention is to gather evidence necessary for a prosecution without further traumatising the child through inappropriate handling and to ensure the child is referred to appropriate organisations that can support their recovery and rehabilitation. In the absence of a formal welfare system, such support is provided by a small number of non-government organisations, churches and communities themselves. With regard to youth offenders, the primary focus is on diverting young people out of the criminal justice system and to facilitate their rehabilitation and reintegration back into their communities. Diversion does not apply to juveniles alleged to have committed serious offences, though the judiciary can apply alternative sentencing procedures.

The SOPs include a 'No Drop' policy which states that all alleged cases of violence against children must be investigated, not just cases of sexual violence. The FPU must also be notified if an officer decides to resolve a matter through a Community Conference and the case involves sexual or other

¹⁵ Vanuatu Police Force. 2011. Standard Operating Procedures: Investigations Involving Children and Youth. August 2011 (Revised June 2012). Developed with the Support of UNICEF.

¹⁶ While it is recognised that the VPF Child Protection Policy and related SOP are not backed by specific legislation, the fact that police are advised that non-compliance or departure from the directives without reasonable justification may render the officer subject to disciplinary action gave them the force of policy.

child abuse or neglect. The Unit must be notified of any missing children and in cases of domestic violence where children are thought to be at risk so that a decision can be made as to appropriate action.

3.2.1 Children and young people's views and experiences of police handling

Of the three young men interviewed for this project, only one had been in direct contact with police but the others talked about their friends' similar experiences. This included being picked up by police off the street or from their homes, being taken to the police station or other location such as a local park, being "slapped around" and "smashed". When asked how confident they were that their friends' accounts were accurate, these young men said, "We see the black eye, the bruising, the broken skin". Asked if they would turn to police for help, they replied they preferred the traditional system as it produces results whereas involving police causes more problems. Police aggravate situations and involving them "simply makes things worse".

Stakeholders also report children telling them about police taking them from their homes and beating them resulting in a general lack trust and confidence in police. Police reportedly drink at local kava bars in uniform and watch young people smoking marijuana, return to the station and send another officer to respond to the situation. How, the young men asked, can you have trust and confidence in police who behave like that? Community relations with police are such that young people throw stones at police cars when they drive through the village and swear at them. Others report young people tell them they are afraid of police and would turn to them only as a last resort. Young people report that police "handle us in a way they don't want us to know something ... they punish us without explaining ... take us and punish us and send us back". This punitive approach leads to reluctance among young people to turn to them in times of crisis.

Some stakeholders talked about the way police respond to questioning by youth in awareness-raising sessions. Young people, they said, have lots of question but police have their say and when they no longer want to answer, they end the meeting and leave. For one stakeholder, part of the problem lies with particular police: "there are some police who are the problem, they have poor training and the organisation is badly managed... power goes to peoples' heads when they get a uniform".

A number of stakeholders agree that fewer juvenile offenders come in contact with the formal system than might be expected, based on fairly widespread agreement that juveniles are increasingly involved in crimes such as petty theft and indecent assault. The most common conviction is for sexual offences committed against girls less than 15 years of age by family members/relatives and boyfriends. Young women are most commonly charged with procuring an abortion or infanticide.

3.2.2 Police awareness of child protection policies and procedures

The initial response of most police to discussions about the VPF CPP and SOPs was that they had never heard of them or were only vaguely aware that they existed. A senior officer said, "we don't use the SOPs ... only a few people know about them and most have not had training". Another confirmed that the SOPs are not really in place, that they have only just started to separate out juveniles ostensibly following recent training in the use of the Juvenile Occurrence Book. Police report having received little if any training beyond what they received as new recruits, which was both very basic and some time ago for many.

The Vanuatu Police Training College (VPTC) recently provided training on the Juvenile Occurrence Book in Luganville but not all officers were able to participate and it is not clear when those who missed out will be trained. Officers report that participating in the month-long training offered by the Fiji Women's Crisis Centre focused on the elimination of violence against women and children. While they find the training very useful it does not cover handling of children specifically.

While a few police say that the SOPs have had a positive impact, the majority believe that significant issues need to be addressed before their effects will be felt. This applies not only to police but also to the wider justice and welfare systems, both formal and informal. Most officers agree with a senior colleague's view that "we need support for juvenile offenders and for child and youth victims in particular for rehabilitation". While they can have parents present for interviews, there is no referral system afterwards, "just the VWC [Vanuatu Women's Centre]". Nor is there a juvenile court, "we just deal with them they go to court or they don't that's all we can do". Another said, "there is some understanding of the SOPs but some work remains ... some trained, some not, some have knowledge ... it's not an overnight job".

As an officer said, implementation based on limited knowledge and the lack of facilities makes their application difficult. Staff in FPU, who supposedly have received the most training in child protection, add that they have "some understanding but implementation requires facilities". Frontline officers agreed with a colleague who said of the SOPs, "the book is probably only for Commissioners, it should be for the frontline." This group added that SOPs need to be developed in consultation with police and other stakeholders who have to work in the system. It is important to "get beyond the abstract and make it real [we] need procedures that are simple and straightforward ... what we've got are two nice books".

Those who have attended training tend to have been to awareness-raising courses provided by NGOs as opposed to specific training in police policy and procedures. The content of awareness-raising courses appears to vary markedly leading to confusion about the meaning of child rights and back-lash from communities who see their ability to discipline children being taken away at a time when young people are seen as "getting out of hand".

3.2.3 Police views and experiences of handling of child victims and witnesses

Initial contact

Although few police are aware of the formal policy and procedures for handling children; the SOPs, most understand the basics of handling child victims/witnesses. This includes the need to have a responsible adult present for the statement and the interview, to conduct interviews in a private space and protect confidentiality, and to ensure a child receives medical treatment should it be necessary while protecting and collecting evidence. All police mentioned the need for referrals and counselling, and most mentioned referring victims to the VWC or Save the Children (SCF) as well as to churches and community leaders.

In terms of practice, all police interviewed mentioned the constraints under which they work and so the difficulty of applying the SOPs. These include the lack of appropriate space and basic office resources in stations, the lack of transportation and the lack of training: "We know what we should do but we lack facilities ... mostly we [General Duties] work in one large room and private conversations are not possible". However, they make do with what they have: "We just do an

interview in open space". When handling children, several police said that they try to access the CID/FPU interview rooms, which are shared among all units in Port Vila. In other locations it is more difficult but officers use available space such as offices.

Police report that mostly parents bring children to the station and so are present for the initial statement and interview. In the few instances they need to contact parents and guardians they come to the station when asked. Limitations of space make it a challenge to keep adults and children apart, as well as victims and offenders; nowhere are police able to detain adults and children separately. One police officer suggested the need for separate, private access to police for victims because, he said, "it's not easy to walk in the front door and ask for protection".

In addition to issues around facilities and resources, many police voiced concerns about low staffing levels. Whereas police should accompany a victim to the hospital and stay with them, staffing levels mean this is not possible. Rather, police "rely on parents as we have no resources to go to the hospital. There should be an officer with victims at all times but it doesn't happen ... police look to the family to take the child and get everything done".

Referral within police

During the interviews officers reported different understandings and practices with regard to where children were referred within police once the issue that brought them in contact with police was understood. Some General Duties police said they only refer serious cases involving children to the FPU and General Duties do the rest. Another agreed that all serious cases involving juveniles are referred to CID or FPU but added that they are treated the same as adults: "we don't use the SOPs". A CID officer said that child victims are referred to the FPU as it is the unit that deals with children; others agreed but added that sometimes they also refer juvenile offenders.

Several police expressed concern about the FPU's workload. One CID officer cited workload as the reason why they sometimes did not refer juveniles to the Unit: "FPU already has a significant case load". General Duties officers, too, mentioned that they know they should refer children to FPU but they are reluctant to do so because of workload: "we have to [refer children] but we can't".

In cases involving allegations of sexual offences, both the offender and the victim are referred to CID and the FPU respectively, noting that the FPU is a section of CID. Some police said that FPU deals with domestic violence but not children, others that it deals broadly with "family issues" and because child abuse, neglect and youth offending are seen as family concerns, children are often directed there whether offenders or victims.

A senior officer said all complaints related to juveniles should go to the FPU. Rather than having juveniles go "all over the place" it was more convenient for police and other stakeholders to have all children go through FPUs. Of course, they added, this only works where there is an FPU, which are now in Malekula, Tanna and Espirito Santo as well as Port Vila. At other stations, children are referred according to the nature of the complaint though perhaps, the officer suggested, a child protection focal point may have been appointed. Others stated that the practice varies, sometimes children are referred to FPU from the front desk but other times they come straight to the FPU.

Several police expressed the view that the FPU is not a proper place for children as it deals primarily with domestic violence cases and it is important to keep children separate: "FPU is a place where

people come for protection orders, it's not a place for children". This officer, along with several others, thought it would be good to have a Child Unit to handle all juvenile cases.

Several officers thought that FPU handled victims mostly and hardly dealt with juvenile offenders. Juvenile offenders tend to be dealt with by General Duties officers and only come to FPU for "family" issues. However, an officer went on to explain that the Unit has a juvenile flow chart to assist with the handling of all children (victims, witnesses and offenders) as children are not prosecuted through the court in Vanuatu.

Police handle children on a daily basis but they are clear that they do not find it easy because of the lack training and poor facilities. Interviewing child victims is difficult and the location and the uniform do not help: "children just look at us and don't speak" and "when we arrive at school in uniform children start to cry". Two police said they deal with these difficulties by referring child victims to more senior staff to handle.

Others said that FPU does not handle serious cases as they go to CID. Asked about how child victims of sexual assault are handled generally, officers responded in terms of domestic violence cases noting that, in their experience, the increase in family separation has led to an increase in cases of child sexual abuse.¹⁷ Police investigate and can issue a protection order after which an alleged offender has 14 days to respond and appear in court. However, sometimes the order is withdrawn and it is left to the complainant to decide. "Sometimes at this stage the order is withdrawn ... [it] depends very much if the woman feels comfortable with proceeding and is willing to proceed ... if the victim doesn't appear in court the order is withdrawn".

Some officers see their role as being more about helping women obtain protection orders than investigating alleged offences with a view to a prosecution. They say they "do what women want" and that women are more interested in protection orders than prosecutions. As such, complainants are given the option to prosecute or not. The perception is that what most women really want is for police to talk to their husbands and warn them that next time they could be prosecuted.

The overall system focuses more on offenders than victims, a view one stakeholder say is illustrated by the fact that statistics are collected on the former and not the latter. "The focus is on offenders and the victims left there especially family members when the father is the breadwinner and the case is thrown out ... the victim doesn't want to give evidence against the family member ...and the influence of chiefs [is significant]".

Several police ventured that compared to child victims they see few juvenile offenders. Asked why this might be so, officers ventured that most offences are not reported to police as communities, and chiefs in particular, prefer to deal with it themselves, "most offences are not reported to police at least not formally ... chiefs are strong".

¹⁷ While there is no statistical evidence for this claim, research findings indicate that of those women who were sexually abused before the age of 15 years, 1 in 3 (33%) identified boyfriends as perpetrators and 1 in 4 (21%) identified strangers. However, overall, male family members made up the largest group of perpetrators with more than 1 in 2 women (55%) mentioning them. This includes grandfathers (mentioned by 10% of women), brothers (7%), and stepfathers (3%), with other male family members such as uncles, cousins and male in-laws making up the largest group of perpetrators from within the family (33%). See Vanuatu Women's Centre. 2011. Vanuatu National Survey on Women's Lives and Family Relationships. Vanuatu Women's Centre in Partnership with the Vanuatu National Statistics Office, May 2011. Vanuatu Women's Centre: Port Vila, page 103.

External referrals

Police have a fairly acute awareness of the lack of referral agencies in general and in particular the lack of a secure place for women and children when protection orders are granted. Commenting on the lack of support for victims beyond the VWC an officer said, “it should not be left up to one NGO”. Child victims suffer terribly and their experience can affect them for the rest of their lives. Several officers thought that it is time for government to pick up more responsibility in the area, and expand services and not VWC to respond more or less alone. Given the very limited services on offer beyond the churches and the small number of NGOs, police say all they can really do is to tell parents to keep a closer eye on children and encourage them to think positively. A senior officer noted the urgent need for social safety nets.

With regard to accessing medical services, police note that it takes time to get medical examinations and reports, and in one location police say that medicals reports are only signed on one day each week, which proves particularly problematic for those coming from rural areas. Several police expressed concerns about victims’ access to medical examinations and to the inability of police to accompany victims as they should due to staff shortages. Issues include long periods of waiting to be seen and for reports as well as charges for services. As no records are kept, police are unable to say how many victims sent off with their families for medical examinations fail to return to police or the reasons why. There is no memorandum of understanding between police and the Ministry of Health covering medical services for victims of violence, which most police thought would be very useful. It is concerning that a few officers believe that an allegation of sexual violence cannot be prosecuted without a medical report.

3.2.4 Stakeholders’ views of police handling of child victims and witnesses

Stakeholders agree that police are under-resourced and lack facilities and training, particularly when it comes to handling children and young people. However, they also experience a general reluctance among police to respond to cases of violence against children, especially cases of sexual violence, or to give them the necessary priority.

While police attribute their failure to respond to or follow up on alleged cases of violence against children to workload, lack of transport and other resourcing problems, many stakeholders see it primarily as an attitudinal issue and claims about lack of resources as a convenient excuse. They argue that if police treated these cases as the serious offences they are, then they would find ways to respond: “the lack of fuel is just a reason for not responding, but it’s not the case that police don’t have fuel it’s just the excuse ... if sexual offences were considered serious then they would deal with it”.

Many of those interviewed acknowledge that these cases are difficult to deal with as they challenge traditional authorities as well as gender roles and stereotypes. As such, they understand individuals’ reluctance, particularly in the absence of appropriate training and adequate resources. However, the failure of police to take allegations of violence against children seriously leads to poor handling of cases. One stakeholder commented on the lack of systems and processes and wonders how police are ever able to get prosecutions given the disarray. Police “have files missing [and] seem to lack procedure [we are left] wondering if they have a filing system to keep all those case files”.

Awareness and understanding of gender and child protection

Participants representing NGOs and churches expressed concern at the lack of awareness and understanding among police about gender and child protection issues, which they say is evident in their attitudes and mentality. As one participant stated, police need an “understanding of domestic violence and child protection, about the CRC and CEDAW, because without that there is the risk that they won’t see eye-to-eye with the SOP and they won’t see why they should be dealing with child abuse although it’s a crime”. Without a sound understanding of the issues, stakeholders are concerned that police will continue to respond in the half-hearted way they have in the past. They will see the increased reporting not in terms of the urgency of the matter but as simply more work they have to deal with in an environment already short on staff and resources.

While there has been extensive awareness-raising on issues around gender equality and violence against women and children, and extensive research illustrating the extent of the problem, several participants expressed concern about the quality of some sessions and hence their impact. One person said, “the variability [in content] leaves people confused about what’s intended” and another that “awareness-raising is very superficial”. Awareness is increasing slowly but despite churches agreeing a child protection policy in 2012/2013, they have not yet had a case reported to test their procedures; nor has the policy been printed and distributed. Difficulties with implementation are attributed to the fact that “chiefs deal with it”. One key informant attributed the confusion around child rights and child protection to the fact that not enough time had been given to the all-important task of contextualising the CRC and turning it into local concepts and languages.

Stakeholders are clear that increased awareness that violence against women and children is a crime has resulted in an increase in reporting, as seen across the country. However, they also take care to note that the issue is not new, it has always been there but that there is currently an increase in reported incidents, a view confirmed by research.¹⁸ Moreover, they argue, reporting will increase further should police practices and the courts improve. While this depends in part on education and training, it also depends on the government signalling its commitment to ending endemic violence against women and children through adequately resourcing police to respond.

All participants involved in providing awareness-raising on issues of violence against women and children noted the importance of police to their work and of police-community relationships. Their involvement of police in training sessions is as much about offering opportunities for education as it is for relationship building. Underpinning this approach is the idea that the better informed police are the more likely they are to be engaged and take their responsibilities seriously. Several stakeholders expressed concern at the nature of police engagement in some of these sessions. Their experience is that police engage in moralising, telling children about the difference between right and wrong but refuse to answer questions about the law and police practices.

One stakeholder said that while it was not clear what the barriers were to police expediting cases there was nevertheless a clear need for improvement. Organisations find the lack of police follow-up after they have done community awareness, often in collaboration with police, particularly frustrating since “without follow up by police it’s difficult to make progress”. Police, they say, should be a friend of the community but as it was communities do not trust the police. They want to report

¹⁸ *ibid*

crimes but instead ask, “if I report to police will police follow up?” One participant reiterated, “it comes down to attitude and mentality” not only among police but chiefs and leaders too, and until that changes nothing will. Several informants mentioned that, for the SOPs to be a success, “chiefs need to understand the law and the role of police and about the SOPs”.

Overall approach

Stakeholders’ overall experience of the police is that their approach lacks sensitivity as does their handling of individual child victims. Several have tried to encourage young women to report sexual offences to police but they are reluctant, mentioning things like an unwelcoming tone, and no sense of urgency in dealing with the case. In addition, charges for medical services mean victims do not complete the process and police fail to follow up and investigate. Several informants mentioned the urgent need for cases involving violence against women and children to be prioritised, including the collection of evidence. A government official, on the other hand, said “handling children is not much different from handling anyone else”.

The few stakeholders with direct experience of police handling argue that child victims are subject to further trauma when interviews are not conducted in private. Interviewing technique is a particular area of concern with one organisation commenting that police need “interviewing skills for children and how they can treat them with respect ... they should have the skills in handling those children”.

Stakeholders also commented on the lack of prioritisation for child cases and the lack of attention to collecting evidence of sufficient quality for a prosecution: “They go and arrest but no proper support for an interview ... they are so slow... sometimes they don’t collect sufficient evidence for a prosecution and it’s dropped”. By failing to prioritise these cases, police convey to the children and others that they are not important.

A stakeholder reported following up with police on an incest case about which nothing had been done. Police finally followed up the case after being provided funds to do so but reported that when they went to the village to apprehend the alleged offender he was not there. Following up again, the organisation was told the person handling it was away and that it could not be handled by anyone else. Lack of consideration for victims is further illustrated by the way chiefs and community leaders advocate for offenders to be allowed to return to communities without having undergone rehabilitation and in the absence of evidence that they would not reoffend.

One interviewee explained that to a large extent young men are not seen as being guilty of committing offences, even serious offences, but rather they are “growing up [and] learning” albeit often at the expense of girls and young women. As such, “communities tend to keep things in the community ... police talk about awareness-raising and about the law but mostly communities keep things quiet”. Any benefits from the SOPs are seen to favour juvenile offenders over victims. One stakeholder said, “There is some change in how children are treated not as victims but as offenders ... they have changed their attitudes a bit ... but can’t say much as it’s a bit different”.

A number of informants said that police in the FPU particularly needed to realise that they are there to support women and children subjected to violence, including sexual violence, and not just deal with protection orders. Several agreed with police that a stand-alone child protection unit could afford children better protection. A separate child protection unit, it is argued, could support children to express their views and concerns. “Children want to talk for themselves but sometimes police won’t listen to them communities won’t listen ... they think that everything they say is lies

they don't trust them and don't have the confidence in them so by having this unit it will give children the opportunity to speak for themselves."

External Referrals

The few organisations providing services for child victims are very aware of the gap between supply and demand. In the absence of a formal welfare system these agencies, churches and communities are left to rehabilitate child victims of sexual violence, often with few resources. Despite an awareness of the gap between need and demand, many of those who voiced this concern said that Vanuatu did not need a formal welfare system. Rather, communities are more appropriate providers, and anyway "government is not interested". It would be another responsibility on the government that would be expensive and anyway "we don't need that". The VWC, on the other hand, is of the view that families, including extended families, are no longer able to provide the support women and children need. However, there is wide recognition that the informal system needs to be strengthened.

Interviewees who were involved in providing services for victims mentioned counselling as the form of support most needed. Providing counselling was regularly raised by police and they frequently mention counselling complainants and their families.

3.2.5 Police views and experiences of handling of juvenile offenders

As noted above, the protocol for handling children when they come in contact with the law is that generally General Duties police assess the case to see if they can continue with it or it needs to be referred to CID/FPU. As noted above, the SOPs refer to the FPU as source of advice and assistance on handling children but elsewhere it is seen as the Unit that deals with and investigates domestic violence.

Initial contact

With regard to handling child offenders, police report that they follow procedures as best they can, they contact parents/guardians who usually come and are present for questioning and interviews but that they are limited in what they can do by lack of resources. A frontline officer ventured, "there are no special facilities for juveniles, we know what we should do but most of the time we can't [because] we lack facilities". As with victims, police say they make do with what they have and use facilities allocated to other sections. An additional limitation with regard to handling juvenile offenders is that police can generally detain men and women separately but not children.

Referral within police

General duties officers say they only refer serious cases and cases beyond their capacity to the FPU¹⁹ and that they themselves "do the rest". As sexual offences are serious crimes they refer both offenders and victims. Another group of frontline officers said that in the absence of a sexual offences unit or juvenile bureau they deal with cases as they come in and according to the nature of

¹⁹ That the FPU in Port Vila handles both victims and offenders can be assumed from the flow chart for handling juvenile offenders which differentiates between minor and serious offences with four diversion options noted for minor offences.

the offence, and as such deal with domestic violence cases and juvenile offenders. An officer said, “serious cases must go to court ... [for] serious cases juveniles are referred to either CID or the FPU and they are treated the same as adults, we don’t use the SOPs ... only a few staff are trained in SOPs”. A CID officer added that CID deal with juveniles because of the need to engage with chiefs and communities, which requires so significant travel, implying that they are the section with the authority and resourcing to do this. As noted above, in the absence of records it is not possible to assess how many juveniles police handle in any period, by which section or the outcome. A senior officer expressed concern about the difficulty of progressing cases when the young offender was related to an officer.

Asked about the way young male offenders are handled compared to young women, several officers commented that they deal with children according to the crime, not their gender. A similar view was expressed with regard to children with disabilities who are handled the same as any other juvenile with the proviso that informing their parent is paramount.

One officer, on the other hand, said that they deal with few juvenile offenders as they tend to be dealt with by frontline police and are only referred to FPU if the case involves a “family issue”. The FPU has a flow chart for handling juveniles and, respondents said, the magistrate nearly always refers juveniles back to the community for the community to discipline and manage the case. This preference for the *kastom* system appears to arise from the widely held view that police do not prosecute children but rather that they are referred to the FPU, which has a process for handling them. Some police believe that juvenile offenders under the age of 15 years cannot be imprisoned even for serious offences such as rape. “Even for rape, the court can’t accept a child to be imprisoned” and as such the case is resolved within the *kastom* system. The view that “it is against the law in Vanuatu to incarcerate young people” fails to consider either age of criminal responsibility or the nature of the offence.²⁰

While a number of police mentioned that they see few offenders compared to victims they also argue that most juvenile offending is not reported. When asked why parents might not report, an officer said, “Parents don’t necessarily understand what is against the law”. A probation officer corroborated the view that there are few juvenile cases of limited police capacity and resources. This officer could recall one case of a juvenile in the past three years. The most widely shared understanding of why few juvenile offenders come in contact with the formal system is that chiefs prefer to keep such concerns within the community and to deal with them in the *kastom* system.

Diversion

Officers’ comments indicate that, as with other parts of the SOPs, they understand the concept of diversion and apply it, even if they are unaware of the formal policy. One officer paraphrased

²⁰ In Vanuatu, no person can be held criminally responsible for an offence allegedly committed while under the age of 10. A child older than 10 but younger than 14 is presumed incapable of committing a criminal offence unless “[he or she] was able to distinguish between right and wrong and .. did so with respect to the offence with which [he or she] is charged.” A male person under the age of 12 is considered incapable of having sexual intercourse, a provision which prevents the prosecution of younger boys for certain sexual offences. See <https://www.crin.org/en/home/campaigns/inhuman-sentencing/problem/life-imprisonment/life-imprisonment-children-oceania>

diversion as “giving juveniles chances”. Police describe diversion as talking to the offender and their parents/guardians to find if young person understands if what they did was wrong. They then warn them that if the behaviour continues they will go to court. While diversion, understood as the intention to keep juveniles out of the criminal justice is understood and appears to be widely practice, police report that there is no formal policy with support attached. In general they are of the view that there is a need for diversion but also follow-up programmes and social support. With regard to access to rehabilitation programmes, one officer replied, “no mostly we advise parents to keep a closer eye on children ... don’t leave them alone”.

Frontline police understand the importance of diversion but say they find it difficult and so most often diversion is handled by the FPU. Their preference is to bring the parties together to mediate, “we don’t want to lodge a complaint but sort it out ourselves...mostly we do that through mediation through talking with both parties, the two families”. Another officer illustrated an instance of diversion by describing the handling of a case of petty theft, which included mediation with the shop owner and restitution by the juvenile.

Communities, it seems, bear greatest responsibility for rehabilitation and reintegration of youth offenders, despite the widespread understanding that most have little in the way of additional resources for this work. A police trainer added that, because of the lack of shared understanding of diversion between police and communities, they currently just introduce the concept during training.

Court process

Justice sector staff commented on the recent establishment of a juvenile court in Port Vila.^[1] In practice this meant a more child-friendly environment such as the judge coming down from the bench and not wearing a gown. However, there is still room for improvement as an international advisor observed that the court does not use screens for child victims of sexual assault.

Officials confirmed the view by several police that juveniles cannot be imprisoned, adding that it is up to the judge to find the best alternative solution. The Corrections Department supports a range of efforts such as preparing pre-sentence reports to inform judges’ decisions about community-based sentences. An example was given of a young offender who was convicted of a sexual offence being given a community-based sentence that was to be served in another village, after which the offender could return home. Community-based sentences, which involve a respected person in supervision, are arranged with chiefs and families who work under the supervision of Corrections.

Justice sector stakeholders also report how, in addition to Corrections supporting young offenders to avoid imprisonment, they facilitate a *kastom* ceremony, including for sexual offending. A ceremony is arranged between the victim and the offender’s families in which goods are exchanged and the offender has an opportunity to “cleanse the face”; moreover, compensation is taken into account in sentencing. Pre-sentence reports were also prepared for four police charged with assault with the intent of getting them reduced sentences.

No Drop

Many police are of the view that the No Drop policy is operational in the main centres but were less certain about the rest of the country. This is despite some of the same police saying that they leave the decision to prosecute to the victim; in their view the case has been dealt with, not dropped. A senior officer said that it is not up to frontline police to say if a case will go ahead but the public prosecutor. General Duties officers expressed the same view.

Several officers thought that most cases make it to court and that only a few are dropped for lack of evidence. The exception, they said, is those juvenile offenders who go back to the community, which officers consider are not dropped as juveniles go with conditions attached. However, this fails to recognise that such a practice risks denying a complainant's access to the formal justice system. One officer thought the policy is being applied but at the same time noted the difficulty of prosecuting an offender who was related to police. Another said that all rape cases go straight to police and the courts, but added, "there is still a mixed response and chiefs are closely involved in some cases, many cases... there's a significant need to work and train community in this regard". All police agreed that limited resourcing makes it difficult to apply the policy, particularly in remote areas.

3.2.6 Stakeholders views of police handling of juvenile offenders

A number of stakeholders agree that fewer juvenile offenders come in contact with the formal system than might be expected, given the fairly widespread agreement that juveniles are increasingly involved in crimes such as petty theft and indecent assault. An official said that children are also increasingly involved in more serious crimes, though there are no available statistics to support this claim. Another official explained the low numbers in terms of limited police capacity: "the few that make it go nowhere as there is little capacity and few resources in police". Nor, they added, do they end up on probation as "the court does not sentence juveniles". They could recall only one juvenile having served probation in recent years and another found guilty of rape who had been given a suspended sentence. Communities "deal with offenders themselves and don't take them to police". While the most common crimes are sexual offences committed against girls less than 15 years of age by family members/relatives and boyfriends²¹, young women are most commonly charged with procuring an abortion or infanticide.

Overall approach

With regard to handling youth offenders, one stakeholder said that awareness-raising has raised expectations within some sectors of the community but that police are failing to play their part. "When people come and tell about the law, then people begin to report to police but still police lack knowledge and information on how to deal with youths ...police don't know how to deal with youth offenders. They release offenders back into the community where the victim is still living but there is no follow up to ensure the safety of the victim". Another stakeholder thought there had been some change since the SOPs were introduced "in how offenders are treated but can't say as it's much different". An NGO staff member argues that there is too much emphasis on the offender at the expense of the victim, including a lack of attention to investigating in the manner necessary to a successful prosecution.

²¹ Research indicates that 70% of those imprisoned for sexual crimes committed offences against victims under 15 years of age. See Michael Copeland. 2011. *Mapping Report: Informal and Formal Systems to Protect Children in Vanuatu*; Save the Children-Australia, page 33.

Along with police, a number of stakeholders feel that the system is set up to deal with offenders whereas victims are neglected. An NGO worker said, “it’s an offender system here not a system that recognises victims”. As noted above, one stakeholder explained the leniency towards juvenile offenders as resulting from the view that young people are simply experimenting rather than committing crimes. Several other stakeholders as well as police confirm this by saying that it is not possible to imprison youth offenders, no matter the offence.

While most stakeholders understood the nature of diversion and agreed that young people need second chances and support as well as rehabilitation to change the course of their lives after having come in contact with the law, none were aware that it is formal police policy. In response to an account of the policy a youth worker one respondent said, “it’s definitely not happening here”. Another said they knew it happened, that juvenile offenders were given second chances, but did not know it was police policy.

Another informant, recognising the value of diversion as well as the burden it placed on many already struggling communities, suggested that as it is currently set up diversion was undermining the policy’s intentions. They added, sending boys back into communities to support is sending them back to places where there are few resources to deal with youth issues where a very large portion of the population do not see a future for themselves.

No Drop

Stakeholders’ have a different view about the application of the No Drop policy to that of police. One informant said that not only are cases dropped, including cases involving sexual offences, but that the majority of offences are not reported to police in the first instance. In discussing the rape of a 15-year-old girl, for which the offender was given a suspended sentence, a respondent said that for the most part such cases do not make it to police let alone court because communities deal with them themselves. Another reported a case in which a parent had sought police help but they had taken so long to respond that the issue was resolved through a *kastom* ceremony. *Kastom* is okay to “clean your face”, the interviewee added, “but what about the child ... sex abuse is a crime and has to be dealt with formally”. While it is clear that police face difficulties dealing with such cases given communities’ preference for dealing with such matters according to *kastom*, the policy “needs to be made to work and the interference [by chiefs and families] needs to be stopped”.

Police reluctance to engage with these cases is also seen in their approach to serving and enforcing protection orders. “Serving protection orders takes time, they have to follow up [but] often they are left sitting on the officer’s desk, and when orders are breached police do nothing or little ... maybe tell the offender to move away”. As another stakeholder notes, “people in communities are interested in police prosecutions but it is hard to change the current cultural processes by which these issues are kept within the community and dealt with internally”. As one stakeholder implored, “we really want them to do their work ... that’s one thing we can’t do very much about ... we can shout and cry... if every case they do deal with it ... sometimes they don’t ... sometimes they don’t collect evidences sufficient for a prosecution and its dropped ... again it comes to attitude and mentality”.

Community–police relations

A number of stakeholders voiced concerns about police-community relations. A government official said that people are uncertain about the role of police and lack confidence in their willingness and capacity to respond when called. An NGO worker agrees that community knowledge and understanding of police and their role is poor and, when people do report, they experience a system that is slow to respond and fails to communicate the status of their case. Women and children especially experience family pressure to withdraw cases. Several stakeholders reported that there is a lack of agreement about how police work when they come to arrest a child. One said, “when police go to arrest a child they should know that they must work through the chief ...they have the chief, they have the leaders, and they have the parents ... start there ... it is through those consultations they are aware of the young person and the community understands the weakness of that person ... but when they just go and arrest, how do the community know the problem”. However, as one stakeholder advised, before police can train the community in child handling, they need first to train and educate themselves: “training for police first but then that needs to be brought out into communities for discussion about what they mean for both sides all sides and parties and how they apply”.

3.3 Police capacity and capability to implement the CPP and SOPs

3.3.1 Police views of capacity and capability to respond to children

The majority of police interviewed for this study said they had limited awareness of the SOPs and lacked training on child protection in general and implementation of the SOPs specifically. Approximately half of all officers (150) have participated in workshops conducted by the Vanuatu Police Training College (VPTC).

Many General Duties police see the FPU as having special access to training by dint of their relationship with international advisors running donor-funded programmes. They complained that, “FPU is well off and gets training in Fiji and NZ, Australia, PPDVP (the donor-funded Pacific Programme for Prevention of Domestic Violence) and dealing with FPU throughout the Pacific gives them support and training, links them to other stakeholders ... so very well off ... but for frontline they need more”.

While there is a perception that FPU staff are well trained, staff within the Unit report that they also need education on child rights and on how to recognise child abuse, as well as specific training on the police policy and procedures. With regard to overall FPU capacity, a senior officer said that “we face significant challenges in making the FPU operational [and] sustainable with logistics issues and other challenges they face.”

All police mentioned the need for specialist training with frontline officers noting in particular training on interviewing children and on conducting investigations, given both form part of their role. An FPU officer, reflecting the views of others, said “we would like to have better understanding of how to interview children ... I have had some training and know about the care needed to handle children but I need more specialist training in interviewing”. An officer from CID thought it was important that police understand the diversion policy, “it’s important for police to have training to deal with children and work through the three warnings”. In summing up a senior officer said, “the

major issue is training [we need] training in juvenile rights, human rights and procedures like going to schools and how to interview juveniles”.

Nearly all police said they have difficulty accessing training. Training courses are scheduled but rather than all staff being rotated through all courses, individuals are selected for attendance. There is an expectation that those who participate will come back and train others and that the training will “cascade down” but it seems this rarely, if ever, happens. As one person said, “perhaps we have too many wrong people in the training ... and nothing comes down ... the next training comes the same people go”. Moreover, not all officers are skilled trainers and, rather than rely on an informal model, training needs to be scheduled and managed in a way that ensures all police are trained appropriately.

All police expressed concern at the lack of facilities and resources for policing in general and handling children specifically. They all mentioned the lack of private interviewing space, the lack of office equipment and access to transport, and their inability to detain children separately from adults, all of which hinder the application of SOPs, as does the lack of training. A senior officer remarked that while he was confident the SOPs were being applied, the lack of infrastructure hindered their effectiveness. “Yes it’s happening but with the current infrastructure environment it doesn’t facilitate [their use]”.

It is clearly difficult to hold police to account for implementing policy and procedures about which they know little. Police report that there are accountability mechanisms but they are not monitored. In the words of one officer, “they train them but don’t know if they do it”. An international advisor agreed that “there is no accountability to stakeholders for SOPs, the mechanisms are weak”.

Despite requests for data on children who come into contact with police, nothing was forthcoming. This suggests a lack of systems for collecting and analysing data, and managing complaints and police staff, both of which need urgent attention if police practice in handling children is to improve. Asked about data collection, General Duties police say they do not collect data but FPU does. However, as one officer said, “but what do we do with it, what’s the purpose”. Police want a data collection system that they can see the relevance of and can therefore use. As one officer said on seeing a Juvenile Occurrence book with a few old entries, “the last reports are 2011 ... people don’t bother as they don’t have special training...these people down here [frontline staff] are the ones dealing with these issues ... rather than talking to the ones at the back they’re the ones who should be given the chance to develop something that’s workable rather than getting something from someone else”.

Of the training mentioned by participants, the majority referred to attending training in Fiji or Papua New Guinea or participating in workshops provided by NGOs in Vanuatu. These one-off courses are likely to be most effective if embedded in a system that ensures police receive basic and ongoing training in policy and procedures. As frontline police noted, it is extremely important that training is developed locally so that it is responsive to local concerns and conditions, otherwise it is unlikely to have much impact. International input is important and welcome but without local ownership it is less likely to be effective or sustainable. On the coordination of planning and agreeing training and development priorities, one stakeholder said, “NZ appears to be the decision-maker.” Moreover, with regard to donors “there is competition over who holds funds”. The findings indicate a need for a clear framework within which to operate, and management structures with accountability

measures that are enforced, including for staff within the VPTC, so that internal capacity for police is developed and used for the benefit of all police.

Nearly all police who participated in this research mentioned their role in raising community awareness, work done in collaboration with other government departments and with national and international NGOs. Several police suggested using the programme developed by the VWC and police as a possible model for other areas. “They [VWC] are actually getting funds and have developed a package and ...in cooperation with police go around the islands delivering on what to expect what police should provide”. Police have come to recognise the need to work more closely with chiefs on the issue of violence against women and children, and child protection more broadly, as their buy-in is key to change.

3.3.2 Stakeholders views of police capacity and capability to respond to children

Most stakeholders are aware of the constraints under which the police operate. As one said, “there are very practical difficulties of paper and pens”. In recognition of this, the VWC established a Client Support Fund to meet police costs for petrol, and basics such as paper and printer cartridges. In this way the VWC helps women overcome some of the barriers they face in getting their complaints recognised and investigations progressed. Despite the support, the VWC report that police are frustratingly slow in responding to cases of domestic violence. “They are so slow and we are sponsoring the police but they are so slow”.

Others suggest that it is less a case of lack of resources, at least in Port Vila, as it is clear that police follow up in some instances and simply avoid others. Rather, it is more about the need for better management and systems of accountability. Several key informants said that police regularly fail to respond to calls reporting escalating violence between groups of men, claiming that they have no fuel. However, they respond with alacrity to calls that women are fighting as “police are interested to see what’s going on ... young women are drunk and take their clothes off.”²² It is, another claimed, less about resources than it is about how they are managed, at least in Port Vila.

A number of stakeholders recalled incidents that suggested to them police were in need of training on handling children. On one occasion in which police support had been sought to move a child, the organisation concluded police “need a lot of training”. Another reported witnessing poor police handling when they collected children from school. “Police had to get them but they didn’t handle them well [they] used force to remove them”. Most stakeholders see a gap in police knowledge. “Police lack knowledge and information on how to deal with youths [there is a] need to train all police and all those working in the area”. As such, police are always included in community training on the basis that better understanding of child protection generally and the difficulties communities face will prompt police to take their responsibilities more seriously. The intention is “to prompt the system” and to make children a priority. At the same time several wonder about police commitment as, unless they cover all the costs, police are unlikely to participate.

The organisations offering child protection and other training are after attitudinal change on the basis that changes in practices will follow. “If they are trained changes should follow but they need ongoing training repeated so that it sinks in and becomes second nature”. A few stakeholders recognise that appropriate handling of children is based on more than knowledge of child protection

²² Forsyth (2011) suggests that police are reluctant to intervene in disputes between men as their involvement might escalate the violence.

policy and procedures. The kinds of changes they are seeking require commitment from and leadership by senior managers coupled with education and training as well as monitoring and accountability. One said, “capacity has to be built on knowledge of abuse and then they have to be bound professionally ...police need to have the capacity to be on top of the issue and a commitment to it personally and professionally”.

The VWC reports having done extensive work on disseminating information about gender discrimination and child protection. They have translated the Family Protection Act and other human rights instruments into Bislama and their recent collaboration with police on domestic violence awareness is seen as a good model for working with and engaging communities on these issues. Their work has engaged chiefs and other leaders and stimulated their interest in domestic violence, the law, and police procedures in way that others have not managed to do.

Some participants say they have seen some slight improvements in police handling of children since the SOPs were introduced - “they have changed their attitude a bit with regard to children” - but this was specifically related to handling offenders and not victims. With regard to the SOPs as standard of practice, one stakeholder said, “there is a lot in the book and it’s good but needs to be broken down [it’s a] very good resource that now needs to be used”. Another acknowledged the SOPs are good but alone they are not enough. “It’s good to have SOPs but you also need resources and monitoring to see if it’s implemented”. SOPs, they said, are just the beginning of the process and much more is needed to embed them in daily routines. Another stakeholder added that there are lots of issues with implementing the SOPs; monitoring mechanisms are weak and there is no accountability for their use. They said the SOPs were developed by police and given over with no implementation plan or package of support in terms of budget for implementation.

Those working in an advisory capacity with police say that institutions in Vanuatu are hard to engage with but they are trying to do so by working through NGOs such as VWC and SCF-A. At the same time they recognise that externally-driven programmes do not have the same impact as those that are developed internally: “When the advisor goes so does the work”. They share the view that the integrated training package on domestic violence awareness developed by VWC in collaboration with police has been especially useful in engaging chiefs in a way not seen before.

Save the Children is anticipating supporting both FPU and the VPTC with a focus on data collection as a critical area of need, and plan to train communities to use the Juvenile Occurrence Book. SCF’s view of the SOPs, based on their own research, is that they are hard to put into practice and police need extensive practice sessions to assimilate understandings. However, as VWC notes, while being a strong advocate for local NGOs, local organisations need to take care that they do not take on too much and fail to deliver on their core work.

A number of people pointed to the need for a shared understanding between communities and police of the law and police procedures so as to avoid misunderstandings when children are taken in for questioning or are involved in custody disputes. “Communities need to understand the problem ... when [police] just go and arrest ... how does the community know the problem?” Currently, there is a lack of understanding and agreement about how police work when they arrive in a community and take a child, and this can lead to tensions. For communities to be able to trust police they need to know they will do their job. Communities “need to be confident that police are properly trained ... without knowing that they have had the training they fear the police”. The SOPs especially need “to be brought out to communities for discussion about what they mean for both sides, all sides and

parties, and how they apply”. Police and others in the child protection system need to come together with chiefs in particular “to bring together custom and law so that both afford protection”.

Several stakeholders expressed concern about police capacity to identify child abuse and would like to see improvements in how FPU staff handles children, which are widely seen as having responsibility for children, as well as other sections within the police. Several suggested that perhaps a specialist Child Unit would be best given the limited protection afforded children under the Family Protection Act.

In addition to basics such as filing and case management, other management concerns raised by stakeholders include: family members of existing staff being given preference in recruitment processes; the lack of easy access to policies and procedures for ready reference; the lack of staff records, including training and professional development records; and monitoring and accountability procedures. A repository of policy documents is seen as necessary on the basis that quick and easy access to such documents facilitates learning and understanding, which in turn, results in improved understanding and greater use.

3.4 Child protection coordination

The Vanuatu National Child Protection Working Group (NCPWG), a sub-committee of the National Children’s Committee established to oversee reporting on the CRC, led the review of the National Children’s Policy 2012-13, which is still waiting sign-off. A Child Desk Officer in the Ministry of Justice and Community Services (MoJ&CS) provides secretariat services for the NCPWG and there is broad membership. Participation has dropped off in recent years in response to what members see as lack of effectiveness. The NCPWG, many argue, meets only to plan National Children’s Day and then “goes into recession” until next year. One informant thought that part of the problem with meetings, when they did occur, was that there were too many members and that this slowed down proceedings. However, little has been done to move meeting practices beyond agency updates, which can take time and be repetitive. Limiting membership without addressing the purpose of the meeting and in the absence of an over-arching strategy is unlikely to achieve better outcomes.

A number of informants argue the NCPWG is ineffectual because there is “no-one steering the boat”, that child protection is not high on the list of government priorities. One informant reflecting the views of many others said, “child protection is only third or fourth priority ... it only comes to attention on children’s day”. Lack of leadership is also seen in the failure to progress juvenile justice and other legislation and regulation needed to protect children as victims, witnesses, and offenders. Moves to hire a consultant to revise the National Children’s Policy, update the NCPWG’s terms of reference, and support preparation of a child protection strategy have stalled. The group could play a role in facilitating memoranda of understanding between child protection actors, in particular police and health providers. An NGO participant commented that they are left wondering what they are up against when government fails to show leadership in such a critical area.

3.5 Discussion and Conclusion

Children and young people’s experiences of police appear to have changed little since the 2008 baseline report, whether as victims, witnesses, or offenders. Juvenile offenders continue to experience physical and verbal abuse and, as such, have little faith or trust in the ability of the police to resolve issues or deal with crime. For many young people the police are seen as a last resort in

times of trouble. Despite the fact that 70-80% of prisoners in Vanuatu have been convicted of sexual crimes against young women and girls, only a small proportion of sexual offenders face prosecution because of under-reporting. Young women are frightened of the police. They are frightened by the way police talk to them and so find it difficult to report sexual violence. They face barriers, including financial ones, in accessing police in the first instance and in getting police to take their complaint seriously. They have difficulty getting medical reports. Moreover, it appears that in some instances the lack of a report precludes an investigation into an alleged sexual assault as some police believe that it is not possible to proceed with a rape or sexual abuse case without one. As there is no record of how many young people fail to return to police after being sent for a medical examination, it is not possible to know how many cases end at this point.

The time taken to investigate allegations also works against the victim. Police are slow to follow reports up, claiming lack of resources and staff absences. Cases involving children and young people are not prioritised, and there is minimal focus on collecting evidence. In the time taken between complaint and prosecution, and in the absence of information from police on how an investigation is progressing, chiefs and families press for reconciliation, with the result that *kastom* prevails and the investigation is dropped. While *kastom* needs to be respected, there is a need to consider how it benefits some over others and serves to maintain the status quo. The lack of urgency afforded such cases again signals to the wider community that these cases are of lesser importance and that the traditional justice system is the preferred forum for resolution, thereby disadvantaging women and girls who are victims of violence and sexual violence in particular. However, the increase in reporting of violence against women and girls, and in particular sexual violence, indicates that communities are seeking changes to how the issue is handled, but that police are failing to play their part in supporting change.

The tendency to regard serious crimes committed by juveniles in terms of “life experience” and “family matters” serves to minimise sexual offending and to channel such cases to the informal justice system, often to the disadvantage of complainants. As a result, there are few prosecutions, in particular of young men, and the young women and girls, who have been brave enough to challenge traditional power structures and overcome the many barriers to reporting sexual offences, are disempowered and left to face the offender and the community alone. In the absence of statistic, it is not clear how many complaints against juveniles are reported, the nature of the complaints, or the outcomes.

The variability with which police respond to and manage children in contact with the law suggests that decision-making is based on personal preference rather than the application of the law, and police policy and procedures. Lack of clarity regarding the role and function of the FPU compounds the problem. While established to respond to and manage allegations of domestic violence and violence against women and children, for some police the FPU has become the de-facto child-handling unit. Given the VPF’s limited reach beyond the main centres of population, any decisions about the FPU’s role need to be balanced against the capacity to deliver and hence the relationship between the formal and informal justice systems.

Despite claims that a No Drop policy is in place and practiced, there was little recognition that in leaving women to decide whether or not to take a case, police are failing to implement the policy. Similarly, facilitating a *kastom* ceremony between a victim of sexual assault and an offender does not constitute application of the No Drop policy, rather the opposite.

Many factors militate against police investigation and so discourage police from following procedures quite apart from the lack of training and resources. Chiefs and family members regularly pressure officers to drop cases, preferring the issue to be kept within the community. In instances where police and chiefs are related to offenders, there is reportedly a reluctance to continue an investigation. As a result, the tendency within police is to counsel alleged youth offenders and 'divert' them back to the community. The view that young people are "just growing up" rather than committing offences, including serious offences, supports this approach to the detriment of those seeking change. However, what at first glance might appear to be police deference to chiefs and *kastom* may be more realistically understood as the very practical realities of working in a formal system with very limited reach.

While many police are aware of the changing community attitudes towards domestic violence and violence against women and children, and the changes required of them, there are significant challenges to changing police practices. Commitments to the elimination of violence against women and children seen in the FP Act, the establishment of the FPU, and the introduction of the SOPs have not been embedded in organisational policy and practice. Senior managers have failed to clearly signal expectations by implementing performance monitoring and accountability systems. Resource constraints, limited training and dependence on the informal *kastom* system are further constraints.

It is important to remember that the development and implementation of the VPF CPP and SOPs is just one strand of work that aims to improve police handling of children as victims, witnesses, and offenders within a child protection system comprised of many actors. While it is clear from those with experience of the child protection system in Vanuatu that there is much room for improvement in police handling of children, police do not work in isolation nor can they go beyond their legislative mandates. Police capacity for handling children and young people in contact with the law can only improve when it is embedded in a system-wide capacity development process that is aligned to international standards, and cognisant of the formal and informal systems of justice on which ni-Vanuatu depend.

3.6 Evaluative assessment

3.6.1 Relevance and appropriateness

The joint UNICEF/Government of Vanuatu capacity development programme for police on child protection is highly relevant in a context in which violence against women and children is extremely high.²³ Police have a key role to play within the justice system in dealing with these offences and as such need the capacity and capability to do so effectively and efficiently. However, while highly relevant, building police capacity to handle children is unlikely to be successful unless integrated with moves to strengthen the wider justice and welfare systems, and, arguably, other initiatives to address violence against women and children generally. Moreover, in Vanuatu, where many people rely on the informal *kastom* system any attempts to build the formal system will need to take account of the relationship between the two.

Within this context, the development of a child protection policy within the police force and operational procedures is also relevant as an awareness-raising measure in the first instance. However in the absence of progress made in terms of specific child protection legislation, a current

²³ *ibid*

National Children's Policy, and a functioning Child Protection Working Group to determine strategy and coordinate actors, police policy and procedures are likely on their own to have limited impact on the overall protection of children.

With regard to appropriateness, the policy and procedures appear to have been developed with limited involvement of police, and in isolation from other actors in the child protection system and the communities they serve, in particular chiefs and other traditional leaders. The concepts underpinning the policy and procedures have not been adapted for the local context and are only available in English. Despite the lack of clear policy about the relationship between the formal and informal or *kastom* justice systems, the SOPs set out a process whereby police can determine that a matter is best handled through a Community Conference. In the absence of agreement, implementation will be difficult and may exacerbate tensions between police and chiefs over jurisdictions identified in other research.²⁴

Extensive awareness-raising on the issue of violence against women and children over the last decade has led to an increase in reporting of violence against women and children. Child rights and child protection tend to be used interchangeably and conflated leading to communities to respond with increasing hostility to child rights as something that is externally driven, contrary to custom and undermining of traditional values. The translation of concepts such as rights and protection is necessary if child protection is to be widely owned and championed by government and communities alike, and if it is to be afforded the priority it needs given the high levels of violence against children, girls and young women in particular.

Although New Zealand and Australian-funded police support programmes are also targeting domestic violence and violence against women and children as well as organisational strengthening, to strengthen response across the force and in these issue areas, the impact of donor coordination on implementation appears to be limited. Donors report coordination meetings with a view to avoiding duplication and sharing project and programme design but few Vanuatu police had knowledge of these activities. Such efforts will have greater impact if those who have responsibility and accountability for policing are closely involved in all decision-making.

Most donor-funded activities employ a capacity development strategy that focuses on building organisational and individual capacity. These approaches assume that the organisation simply needs to do better what it is already doing and that what is at issue is the lack of skill and resources. This deficit model fails to adequately take into account factors, such as corruption, within the wider social and political context that hinder police work. It is likely that the incentive structures are such that police could do better but do not want to for various reasons that outsiders have difficulty seeing or understanding. Approaching capacity development of police as a technical issue and not also as a political one will limit programme impact. Moreover, a shared understanding about what the Government of Vanuatu, its people, and donors want to achieve is critical if the much needed ownership is to be forthcoming. This requires all donors and government to collaborate more fully, and actively promote and support a coordinated approach to child protection, including within police. Developing a shared understanding of how to realise child protection based on a theory of

²⁴ See for example Miranda Forsyth, 2011. *A Bird that Flies with Two Wings: The Kastom and State Justice Systems in Vanuatu*. ANU Press: Canberra.

change approach that details both the outcomes and impacts, as well as how change will be achieved, will provide a solid foundation for the work.

3.6.2 Effectiveness and sustainability

The development and implementation of a child protection policy and procedures appears to have resulted in little change in police capacity in Vanuatu. Police morale remains low: they are expected to interview children appropriately, recognise child abuse, and carry out investigations in the absence of training, ongoing support and leadership. Police are under-resourced, particularly the further they are from main centres, and lack the necessary organisational systems and processes, including for staff training and professional development. In the absence of policy and procedures police are left to make their own judgements. Institutionalising a child protection policy and related procedures will be difficult without attention to organisational development, in particular without the establishment of systems and procedures for monitoring and accountability. Moreover, a capable VPF depends on adequate budget.

3.6.3 Impact

The child protection policy and procedures have resulted in little, if any, change in children and young peoples' experience of police. Children report little change in police handling from that reported in the 2008 Baseline report. Juvenile offenders continue to experience violence and intimidation. Victims, if they can overcome initial barriers and have police take up their case, are faced with inappropriate interviewing and difficulties accessing medical services. Delays mean that victims and their families often resort to *kastom* ceremonies to restore community harmony, a critical consideration for all ni-Vanuatu. Cases continue to be dropped because of the poor quality of investigations. Children and young people still fear police and have little respect for, or trust in, them.

3.6.4 Efficiency

Police can and do access human rights and child protection training provided by other agencies, both within and outside of Vanuatu. While these are useful they vary widely in quality and relevance, and do not address their specific needs for training in VPF policy and procedures. Similarly, senior officers and training personnel have attended external courses on the basis that they will return and "cascade" the training down through the force. In reality this rarely happens as returning officers have their own jobs to do and many do not have the requisite training skills. While there are efficiencies to be gained from participation in regional training opportunities, the need for contextualisation and delivery in local languages has been a missing ingredient in the implementation of the SOPs. Steps taken to build the capacity of the Vanuatu PTC to train officers at all levels in child protection require further support and development but will likely be the most efficient approach in the long-term.

3.6.5 Human Rights and Gender

It is widely agreed that eliminating violence against women and children requires both mainstreaming and initiatives targeting women's empowerment and gender equality and child protection. In an effort to use existing systems and not build parallel processes, child protection initiatives have built on mechanisms and processes for targeting violence against women, particularly sexual violence. In Vanuatu this has led to the Family Protection Unit becoming a de-facto child protection unit, but without clear policy directives for either role.

Support for strengthening the FPU appears to have had unintended consequences for children, especially girls and young women. The challenges of responding to allegations of sexual violence with limited resources and training, coupled with the lack of widespread agreement that domestic violence is a crime, despite the Family Protection Act 2008, has led to ambivalent responses by some police. Their lack of confidence in dealing with allegations of violence against women and children, particularly sexual violence, is compounded by the lack of clarity over jurisdiction of the informal and formal justice systems. As up to 75% of the population have very limited access to the formal system, they defer to the informal system out of necessity. Moreover, when women and children do overcome the multitude of barriers and access the formal system, it regularly fails them, forcing them to revert back to the informal system in which they lack status and which does not prioritise their protection.

Given the high rates of violence against women and children, in particular against girls under 15 years of age, the FPU handles many female victims. The tendency in Vanuatu to judge young male offenders as not committing crimes but rather “learning from experience” appears to have led to a system that favours young male offenders at the expense of female victims. It also has negative repercussions for young offenders as the links between offending and violence are ignored. The result is that police emphasise counselling victims and facilitating *kastom* ceremonies as a means to community harmony, a critical consideration for communities in Vanuatu. Moreover, lack of agreement regarding jurisdiction creates tension between police and chiefs leading to “shopping around” for the option that will provide the best outcome, which serves to undermine the legitimacy of both systems.

The lack of priority afforded the protection of children and women by government and by police is reflected in the limited attention given these cases. Domestic violence cases are seen to be taking too much time and alleged sexual assaults are not treated with the necessary urgency. Cases fail through lack of proper investigation or they are diverted back to communities following pressure by families and chiefs.

The perceived challenges of dealing with cases of violence against women and girls, and the view that women are better at handling children and victims of sexual violence, leads female officers to be channelled to this area and given preference in training. This in turn results in workforce segregation at the expense of other male officers, all of whom need an understanding of violence against women and children and how to respond. We recommend that targeted support for any specialist unit is part of an overall approach focused on capabilities of all those engaged in child protection, and ending violence against women and children.

3.7 Recommendations

This report recommends that:

The Government of Vanuatu and UNICEF jointly, taking into account previous work in the area:

- Commission research to clarify the jurisdiction of the formal and informal legal systems with regard to responding to violence against women and children. This work should be done in close consultation with communities, police and others involved in child protection.
- Agree the most appropriate support mechanisms necessary to a functioning National Child Protection Working Group.

- Finalise the terms of reference and membership of the National Child Protection Working Group with a view to finalising the national child protection policy and developing juvenile justice legislation as well as child-specific legislation to protect child survivors of violence.
- In close collaboration with governments, police, and other members of child protection networks, facilitate a review into the nature and quality of child protection awareness-raising materials as the basis for future developing training packages with locally appropriate messages in local languages.
- Take steps to address barriers to women and girls accessing appropriate medical care and attention by providing:
 - specialist training for all police personnel; and
 - agreeing a memoranda of understanding between police and providers of medical services for women and girls who are victims of sexual offences and ensuring that there is no charge for such services.

The Government of Vanuatu and the Vanuatu Police Force :

- Review and revise the VPF Child Protection policy and procedures in close consultation with chiefs, communities, and government agencies and NGOs involved in child protection. This work should draw on previous research as well as the experiences of those involved in the wider child protection system, including communities who draw on those services, and be built on research, and policy decisions regarding jurisdiction of the formal and informal justice systems. Support implementation of the revised CP policy and procedures with appropriate training and education for all child protection stakeholders including police, government, NGOs and communities.

Vanuatu Police Force:

- Clarifies organisational structures for addressing child protection, domestic violence, and sexual offending and sets clear policy guidelines for the Family Protection Unit.

Police Training and Workforce Development

- Strengthen, or establish where they do not exist, human resource management systems and processes that track staff performance and training and are linked to promotions;
- Strengthen, or establish where they do not exist, performance-based management and accountability systems that hold managers to account for ensuring staff understand and comply with child protection policy and procedures;
- Ensure all systems and processes can be analysed by gender and initiate a regular gender review of all appointments, promotions and trainings;
- Further integrate child protection training into national training curriculums and institute regular monitoring and evaluation to identify training needs and support police competencies.

4 KIRIBATI

4.1 Introduction

4.1.1 Purpose

This chapter provides the key evaluation findings from Kiribati on the joint UNICEF/Police child protection capacity development programme. The objectives of this evaluation include assessing to what extent the child protection capacity development programme has strengthened the Kiribati Police and Prison Service (KPPS) capacity to work with children as victims, witnesses and offenders.

4.1.2 Overview of evaluation method²⁵

The period evaluated was from the Baseline Report²⁶ to November 2015. The Baseline Report recommendations and subsequent National Child Protection Work Plans outline what strategies and activities were planned to strengthen the child protection system in general. This evaluation focuses on specific tasks for Police associated with the legal and regulatory system and associated outputs.

The evaluation used the following data collection methods for Kiribati:

- Review of 2008 Baseline Report and programme documentation including national child protection work plans, KPPS narrative reports and annual reports, donor reports
- Fieldwork at two sites during November 2015: Tarawa across four police areas: Betio; Bonriki; Bairiki; and Bikenibeu (urban, very dense population especially in Betio) and Abemama (outer island – remote rural environment)
- In-depth interviews with 77 stakeholders from a range of groups including:
 - 24 Police officers from senior management to frontline (19 male/ 5 female)
 - 13 Children²⁷ (5 male/8 female)
 - 3 Parents/caregivers
 - 17 Government officials from MWYSA, MOE, Town Councils
 - 7 representatives from NGOs/CSOs/FBOs
 - 8 Community representatives
 - 5 Regional donors and advisors

4.2 Children's experiences of Police

Across the two sites a total of thirteen children were interviewed including a focus group with eight children, two whom agreed to a private interview about being in conflict with the law. Individual interviews were conducted with a further two youth offenders and three victims. One youth was identified as both a victim and an offender.

²⁵ Please refer to the Evaluation Inception Report for a more detailed outline of the evaluation plan and methodology.

²⁶ Iuta, T., Norton, A., Taylor, P., Wernham, M. M'Cormack, F. (2009) Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Kiribati. UNICEF Pacific

²⁷ Children in Kiribati are defined as those aged under 18 years.

Children were taken through an informed consent process first so they understood the purpose of the interview and how the information would be used. They have been assured confidentiality and anonymity in the presentation of the evaluation report therefore to protect their identity we have not specified location and omitted certain details that may identify them.

The information provided by children and some of their parents/caregivers is supplemented by data from interviews with stakeholders who work with children and police. Police experiences and views about working with children are in section 4.3.

4.2.1 Child victims and witnesses

The main issues many of the children identified in their communities were drinking and fights (including domestic violence). They said some of their communities had established constitutions where alcohol was banned, parents and family members were not allowed to 'beat-up kids', and they have to use positive discipline with children. Some children said when police were called they did not respond fast enough due to transport issues, therefore members of the community would help in those situations. A few children shared experiences of witnessing horrific domestic violence incidents which had greatly impacted on them.

One child victim said her experience of police was good and she was happy with how they treated her. She was interviewed by a female officer in a private place, although no support person was present. The officer listened to what she was saying and her case has been followed-up (indicating the 'No Drop' policy was applied in this instance). She was referred to the Ministry of Women, Youth and Social Affairs (MWYSA) and is now receiving support and counselling. In contrast, another victim reported sexual abuse to the police but was not believed. The officer became angry with her and her relative and would not follow-up with the case. Stakeholders and some police also recounted incidents of the 'No Drop' policy not being followed.

These experiences highlight the realities for victims and show that the implementation of police policies and procedures is highly variable and dependent on individual officer's experience and attitudes. Stakeholders who work with children and police further substantiated this finding and highlighted the need for more police training, supervision and accountability. The resources available in different locations also impact on children's experiences. For example, those in the outer islands had less access to specialist police such as the Domestic Violence and Sexual Offence officers (DVSO) to assist victims or those with Criminal Investigation Division (CID) experience.

One stakeholder recounted an incident of a child victim not being listened to by police. Rather, police listened to the victim's parents and failed to investigate the child's complaint. This was supported by other stakeholders who said some officers lacked understanding about how to deal with cases of child abuse and have limited sensitivity when dealing with children, particularly with victims of sexual offences.

Several stakeholders had observed that police tended to treat children like adults during interviews and thought they required better interviewing skills. There were issues with leading questions, privacy, and how many times victims were asked to repeat their story.

Lengthy investigations, lack of follow-up, poor investigation skills, poor communication with victims about what was happening were also identified as concerns by some victims and stakeholders. This

meant that in some cases evidence was not collected, thereby reducing the likelihood of prosecution. The long court processes were also frustrating and one stakeholder estimated it could take over a year to proceed through the court.

Interviews with child victims and their parents or caregivers emphasized the difficulties of reporting child abuse, particularly sexual abuse. This included children's fear of reprisals from the family, not being believed, being separated from their family, stigma for the family, and economic challenges if the perpetrator was the main 'breadwinner' in the family and was imprisoned. Many stakeholders also noted the challenges for children and family members to report abuse, particular in small communities where the repercussions for the victim and the family could be life-long. Despite the challenges, there was a noted increase in reporting, which police and stakeholders thought had been influenced by community awareness campaigns. However, community stakeholder said that the community got frustrated when they reported an incident to police and there was no follow through. They said 'everyone knows to report to police ... and the police tell us to report, we report then nothing happens.'

There are significant formal service gaps for child victims such as ongoing care for children who cannot be placed with family. Currently children stay at the Women's Crisis Centre (WCC) but this is a short term solution. They also identified a lack of longer term suitable, safe placement options for disabled children who had to be removed from their family. Specialised counselling services are also needed as there is currently only one qualified counsellor in Kiribati. The lack of forensic specialists and related services significantly limits investigations. Medical staff who conduct examinations of victims are able to check for semen and observe trauma and, moreover, there is no DNA testing or forensic capacity in Kiribati.

4.2.2 Children in conflict with the law

Alcohol was a factor in nearly all the cases which brought children in conflict with the law. Police and other stakeholders identified the most prevalent issue for young people was drinking and related incidents such as fighting. Alcohol also made young people vulnerable to abuse. A few stakeholders noted the related issue of the high teenage pregnancy rate.

The 'home brew' made from baker's yeast and sugar was particularly prevalent as it was cheap, quick, and sellers could make a large profit²⁸. In both Tarawa and Abemama school children were targeted by 'home brew' sellers during lunch time. Some communities have restricted the sales of baker's yeast to women in an effort to curb the production of the yeast brew. A compounding issue was that some magistrates considered that the brew was not covered by legislative provisions and so brewers could not be prosecuted for illegal brewing. As other magistrates interpreted it as 'home brew' and allowed police to prosecute brewers, clarification is required.

Of the five child offenders interviewed all but one had their parent or caregiver or another responsible adult present when Police interviewed them. One was detained in a cell until he sobered up and was then interviewed. He was not mixed with adult prisoners and he said the police officer spoke politely to him and treated him well.

²⁸ For an outlay of \$5-\$7 for a packet of yeast four buckets can be brewed fetching approximately \$75.00 return. The brew is sold for 50c a cup and is therefore affordable for some children. In a country where economic options to make cash are very limited this is obviously an attractive option for some people. A license to sell alcohol is approximately \$3-\$5.

Some stakeholders said that in Tarawa young people caught underage drinking could be detained in police cells and released when they sobered up. Due to lack of facilities they could be detained with adults. In Abemama, one young offender said they were handcuffed for half an hour which made the young person feel angry at the time. This was in front of family members who had reported the young person for underage drinking.

Two parents/caregivers of young offenders were satisfied with the response by police and thought they were doing a “good job”.

Many stakeholders observed police tended not to apprehend young people for underage drinking unless they were causing a disturbance and it was reported. This could be due to police capacity to deal with the large number of young people who were drinking.

4.3 Police experiences of handling of victims, witnesses and offenders

4.3.1 Frontline Police awareness of child protection policies and procedures

Police on Tarawa are aware of the main procedures such as calling a parent or guardian to be present for an interview, not detaining young people with adults in a cell, and referring sexual abuse cases to DVSO for a female officer to be present at the interview. A CID officer said they would not proceed with an interview without the presence of a parent, guardian.

A few said they had attended workshops about human rights and female officers had attended DVSO training on handling victims. Nearly all officers interviewed said they would like further training on child protection and, in particular, how to interview children as well as how to deal with the “hard and complex cases”. An officer said if the “situation is worse or difficult they need more training on how to deal with it”.

All the Officers in Command of Stations (OCS)²⁹ interviewed valued training and said their staff required more training on child protection. One OCS said training was an ongoing requirement and was ‘non-stop’, indicating that officers were always learning. Another OCS thought it was good when they had community policing officers based at the station, as they provided staff with training on child protection procedures. He also endorsed that all frontline officers should have the opportunity for refresher training as ‘it would make it easier for them when they face that situation.’ There was an issue of accessibility to training as there are limited places on workshops and courses.

The eight special constables on Abemama³⁰ were not aware of all the procedures and had received limited training. Officers in the outer islands tend to have less access to training than those on Tarawa, particularly the special constables. The OCS is sent to Tarawa for training with the

²⁹ The OCS is effectively in command of a police area. On Tarawa there are four police areas: Betio, Bonriki, Bairiki, and Bikenibeu. On Abemama the OCS is assisted by the Assistant Office in Command of the Station (AOCS) and they are the only two fully trained police on the island.

³⁰ Special constables are appointed to support the role of police and have a lower entry criteria and do not receive police recruit training. Their role as first responder is initial attendance at an incident and to take reports of complaints which are then conveyed to the OCS and AOCS who do the formal interviews, record statements, conduct investigations, and take the case forward to prosecution. The special constables are located within their villages spread throughout Abemama.

expectation that they will bring this knowledge back. In 2010/2011 Abemama had a number of workshops and activities related to child protection and domestic violence provided by an interagency group that included police. Five of the special constables remembered these workshops and some said it influenced their practice. For example, one Special Constable said he tends to keep a young person who had been drinking at his home until the parents calm down as they may be beaten by the parents – he attributed this to attending a workshop on child protection. Most of the constables said the training was useful but they all wanted more, for example on how to intervene when they saw child abuse happening in their village. One constable said he wanted to learn English so he could read the procedures, pocket guide and other resources, which emphasises the importance of having these materials in the local language rather than English. Another constable suggested they needed more community awareness activities and their own drama group to convey messages.

4.3.2 Police handling child victims and witnesses

Police referrals to the MWYSA in cases of child abuse and sexual offence, was generally going well according to interviewees from both agencies. A few stakeholders from the community had started to notice changes in frontline police called to domestic violence (DV) incidents. Previously police would not even attend whereas now they actually go into houses and apprehend the perpetrator.. Similarly, if a child was being beaten, police would intervene. A potential gap was police referrals of children witnessing violence if they were at risk, as it was unclear how many frontline officers are taking this into consideration when they attend to DV cases.

A female officer suggested that men need a better understanding of domestic violence and more empathy with victims. Several officers and stakeholders observed that some officers were judgemental of female victims if they were drunk, treating them quite harshly. This judgemental attitude could also apply to young women, who were victims of sexual abuse, implying it was the victims fault. An OCS said that some officers needed to learn how ‘to care’ and change their attitude when dealing with children and young people.

An issue for the KPPS is that some police officers are committing domestic violence offences, and there were reports of police wives using the safe house at WCC. This undermines the community awareness messages and good work of the officers who are trying to address these issues. It also leads to concerns among women who want to report an incident that their case will not be investigated if they have to report to a known police perpetrator.

4.3.3 Police diversion of juvenile offenders

Of the four police areas on Tarawa, two were practicing diversion with youth offenders. One OCS said that diversion was important as it reduced prosecutions. Another said they had seen how effective diversion could be when young people had the opportunity for rehabilitation (in these cases the Alcohol Awareness and Family Recovery programme - AAFR).

The other two OCS had been resistant to diversion, seeing it as requiring additional workload to monitor young offenders’ cases. However they found that youth offenders are not being processed by the court and become ‘pending’ cases. “The report is written up, case file opened, then pending, no diversion” but matters are not resolved and there is no sense of accountability or rehabilitative

focus for young offenders. One OCS said he was considering implementing diversion due to the increasing number of pending court cases with youth.

Community conferences have been held to create a diversion plan for a young person. Conference participants include parents, the young person, the victim, and professionals such as police, a social welfare officer from MWYSA, an NGO or FBO representative if an organisation such as AAFR is involved, and a local church representative. A diversion plan will be developed that also takes account of the victims' views. The professionals meet on a regular basis to update on how the plan is progressing. The main challenges have been difficulties engaging parents in the process and consequently conference times keep being rescheduled when the parents do not attend. Another challenge is monitoring the plan to see how the young person is going, as it can be very difficult for them when their family or peer group, or both, are pressurising them to continue with the same behaviour. A major barrier to follow-up was a lack of vehicles to visit young people at their homes for both AAFR and police.

Treating young people who are abusing alcohol is essential to stopping long term damage and Kiribati has only one treatment provider, AAFR. AAFR does have the ability to take more young people on diversion if funding was provided. At the time of this report the AAFR were undergoing an evaluation of their treatment effectiveness and it will be important to consider these findings when examining diversion options for young offenders. AAFR are also looking to further develop their referral and assessment processes and treatment programme. They identified more participation and information from police would be beneficial to tailoring their programme for young offenders.

4.4 National level strengthening of the child protection system

4.4.1 Legislative alignment with CRC

The promotion of, and support for, legislation aligned with the Convention on the Rights of the Child (CRC) is integral to creating an enabling environment for child protection. To align with the CRC the following legislation has been enacted:

Child, Young People and Family Welfare Act 2013

The 2008 Baseline Report for Kiribati recommended (Outcome 1.1-R1.1) a priority area for law reform was the drafting of a new Child Protection Act. In 2013 the Child, Young People and Family Welfare Act 2013 came into effect and provides the legal mandate for the social welfare system to 'support children who are at risk or are going through violence, abuse, neglect and exploitation'.

The Ministry responsible for child and family matters, MWYSA, is the lead agency and the Ministry's Secretary and Director delegates power to social welfare officers to support children, young people and their families.

The Ministry is responsible for coordinating an inter-agency referral system. The Police are required to report any concerns they have for the protection of children to the Ministry and they are also required to provide assistance to welfare officers in the implementation of Orders (Court Orders or the Ministry's Interim Care and Protection Orders). Police and social welfare officers may, without a warrant, remove a child or young person to a place of safety if they believe there is immediate danger or substantial risk to the child during the time it would take to obtain a warrant.

Te Rau N Te Mwenga Act 2014 (Family Peace Act for Domestic Violence)

Te Rau N Te Mwenga Act is another important piece of legislation that can be used to strengthen child protection as its first object is to '(a) to ensure the safety and protection of all persons including children, who experience or witness domestic violence;' (section 1(a)). Furthermore the act recognises the particular vulnerability of children ' who are exposed to domestic violence as victims or witnesses, and the impact that such exposure can have on their current and future psychological, physical and emotional well-being;' (Section 2 (f)). A domestic relationship between the complainant and respondent includes family members that are related by legal or customary adoption (Section 5(d)).

Juvenile Justice Act 2015

This Act was passed in August 2015 and provides standards for a youth justice system including a new youth court and community based sentencing which aims to integrate Kiribati customs and traditions³¹. Importantly the passing of the Juvenile Justice legislation now gives a legal basis for police for the diversion of youth offenders.

There were extensive community consultations to development legislation with government agencies (including representatives from the KPPS) going to communities on Tarawa and the outer islands to gain their views on what the legislative changes should be.

Another important piece of legislation to be enacted since the Baseline report is the Education Act that banned corporeal punishment in schools.

4.4.2 National Child Protection Work Plans

National Child Protection Work Plans are developed on an annual or bi-annual basis in Kiribati by implementing partners³² in cooperation with UNICEF. Representatives from these organisations meet as the Child Protection Working Group (CPWG) to identify priorities and develop the plans. The OC of the Community Policing Unit (CPU) is the police representative on the CPWG.

The OC CPU said that prior to developing the plans he consults with other sections of the KPPS including each of the commanders of the four police areas in Tarawa (OCS) to find out their views and child protection priorities for their areas. It is vital to have them on board as they are in charge of activities and operations in their areas. Development of the KPPS child protection policies and Standard Operating Procedures (SOPs) were a major goal of the first programme cycle (2008 – 2012) and specified activities in the national work plan.

4.4.3 Development of KPPS child protection policy and procedures

To strengthen KPPS capacity, a consultant was contracted to work with the OC CPU who led the KPPS development of the SOPs. Development included extensive consultation with other police

³¹ *Kiribati passes Juvenile Justice Bill to ensure safety of children in contact with the law*, Pacific Island Countries, 31.8.15 accessed at http://www.unicef.org/pacificislands/1852_23592.html

³² Implementing partners included: Ministry of Women, Youth and Social Affairs (MWYSA); Kiribati Police and Prison Services (KPPS); Judiciary; Ministry of Health and Medical Services (MHMS); Ministry of Education (MoE); High Court; Attorney-General's Office (AGO). Partners to the work plans includes: Town councils; youth organisations, civil society and community based organisations.

managers and with the CPWG. The following is a brief outline of the SOPs and training resources that were developed.

Standard Operating Procedures Child Protection and Handling Young People (October 2012)

This overarching SOP is guided by the following principles to align with the CRC:

- Children have the same rights and freedoms as adults.
- The best interest of the child shall be a primary consideration in any actions taken.
- Children are entitled to special procedural protections and to be treated in a manner that is appropriate to their age.
- Children need special care and protection from harm such as abuse, neglect and exploitation.
- No child will be 'turned away'. All complaints by or relating to child victims will be received and investigated fully.
- No Drop Policy. All crimes committed against a young person will be duly investigated and referred for prosecution.
- Alternative means of dealing with a matter must be explored so as to meaningfully reintegrate the child back into the community.
- Actions to be conducted and completed without unreasonable delay (within 2 weeks).
- Justice responses must be proportionate to the circumstances of the child and the nature of the offence.
- Measures adopted should intend to hold the child accountable for what they have done and repair the harm caused to the victim and the community and include steps to ensure the child does not reoffend.
- Parents, guardians or caregivers will be informed of any police involvement with young people, whether those children are victims, witnesses or offenders. Parents, guardians or caregivers will be present during any police interviews with children.

Standard Operating Procedures Diversion

The SOP on Diversion came into effect on the 30th November 2012 and was developed with the same principles that informs the SOP for Handling Children. An additional principle related to youth offending was that the 'Rights of the victim will be respected and upheld'.

Aide Memoir or pocket guide

A pocket guide for frontline police to refer to provides checklists for: child protection principles; investigations involving child victims; investigations involving young offenders; investigating suspected child sexual abuse. This was originally rolled out in a format too large for officers to carry and was reprinted in November 2015 to a more suitable size.

Child Protection Training Programme

A child protection training programme for Police was developed with technical assistance from a UNICEF consultant in consultation with the CPU and Police Training Centre (PTC). The training programme is designed as a five day course.

4.4.4 Donor coordination

Discussions and communication with donors in Kiribati from the Australian High Commission and New Zealand High Commission reveal little, if any, coordination with UNICEF and government regarding child protection strategy and programmes. Both donors are closely involved in providing support and training to the KPPS on domestic violence. However, donors expressed their willingness to coordinate on child protection activities and noted that there had been some meetings with UNICEF in the past.

The regional policing programme, the Pacific Prevention of Domestic Violence Programme (PPDVP), led by New Zealand Police (NZP), includes support and mentoring from NZP and the Australian Federal Police (AFP). To date there has been a lack of coordination on what NZP and AFP are delivering and when mentors are in-country. A stakeholder said they were looking to better coordinate PPDVP activities to avoid duplication.

Other donor activities to develop the KPPS capacity across management and operational roles included investigator training, community policing, and maritime policing. There were also a number of cross-agency training courses that members of KPPS have been invited to. While some of these activities may enhance KPPS ability to work with children there was a lack of strategic coordination between donors.

4.5 KPPS capacity to implement child protection policies and procedures

4.5.1 Leadership and prioritisation of child protection

The Kiribati Police and Prison Service (KPPS) was renamed from a police 'force' to a police 'service' by the current Commissioner to emphasise a shift towards community policing. A community policing approach emphasises collaboration between police and communities to solve problems and promote crime prevention. The establishment of the Community Policing Unit (CPU) in 2004. The CPU promotes the appropriate handling of children (victims, witnesses, offenders) within the KPPS and the prevention of child abuse through community awareness-raising activities. The CPU also promotes the use of diversion across police areas and manages police referrals to several rehabilitation programmes (see section 4.5.3).

For most children, their first encounter with police is with frontline officers or special constables. On Tarawa there are services for child victims of sexual abuse from the DVSO unit (see section 4.5.4). Likewise, Tarawa has a Criminal Investigation Division (CID) which investigates serious offences, including child abuse (physical and sexual), and serious offending by youth offenders.

The policy across Tarawa of having a female officer available for each shift to conduct interviews with female victims (adults and children) has served to lift the profile of female officers and the OCSs interviewed would like more female officers so as to be able to cover all shifts. This may prompt recruitment of more female officers who are approximately only 10% of the KPPS. However the potential negative consequences of this policy is that female officers become side lined into one role, and bound to the station as they have to be available to conduct interviews. While the gender and cultural sensitivities around DV and sexual abuse are being respected, there is a danger of feminising this role. It is also important that male officers are sensitised to the impact of DV on victims and have the ability to empathetically relate to victims (adults and children), as they are among the first responders to incidents. Moreover, most of the investigation staff in CID are male.

Male leadership and support in the area of domestic violence would send a strong message to other males in the community that it is not acceptable.

A stakeholder thought there needed to be stronger leadership on child protection and domestic violence issues generally. One way of demonstrating leadership was to discipline officers who commit domestic violence. Another was to encourage staff to try things even if mistakes were made. A stakeholder said, 'Again it is that leadership thing to say we are going to do it and if you make a mistake along the way that's fine but we'll have a go. It is through that process that we will become self-sufficient.'

4.5.2 Resource issues and differences across sites

Resourcing is a significant issue for the KPPS and there are differences between evaluation sites in terms of access to training, facilities and materials, vehicles, and human resources. There are also notable differences in population density and ratio of officers to people. Betio was the most challenging area in this regard, with an extremely dense population of nearly 30,000 within an area of just under two square km and 47 officers to cover four shifts.

Many children and stakeholders complained that police response to incidents was very slow, if they responded at all. There were reportedly only two functioning police vehicles across the whole of Tarawa which meant police had to use their own vehicles, if they had them, or resort to other means. In Abemama the OCS has one motorbike. While the road is being upgraded on Tarawa, the environmental conditions and the ability to maintain vehicles is a major operational issue for police.

The small police presence on Abemama does not include specialist units such as the DVSO and there are no female officers. The new OCS in Abemama has many years experience in CID which provides a significant advantage to this small outpost to deal with serious crime such as child abuse and sexual offences.

The station facilities differed with the larger stations on Tarawa having a private room where victims can be interviewed. In Abemama, the station consists of only one room where all police work is conducted and has no space for private interviews or a cell. Police in Abemama said they generally take young offenders home.

4.5.3 Community Policing Unit

The role of the CPU is primarily focused on child protection and as such they have been the main contact point for UNICEF capacity development activities for police. They are currently a small two-person unit based at KPPS headquarters in Tarawa and have responsibility for the whole of Kiribati. Members of the unit have conducted some activities in the outer islands, including consultations regarding legislation and community awareness activities. However, due to resourcing issues the CPU mainly work on Tarawa across the four police areas. There have been changes in structure as previously a community policing officer was allocated within each of the four stations on Tarawa.

The CPU prevention first focus means they are very involved in community awareness campaigns and often work in partnership with other government agencies and NGOs/CSOs/FBOs. A police stakeholder said prior to the Baseline Report the police tended to work in isolation but they have now developed more of a partnership approach. This view was supported by stakeholders who were interviewed. Forums such as the CPWG have been significant in developing these relationships.

Importantly, there was a growing partnership with communities as a police stakeholder said they encourage and support communities to build up a sense of ownership and set their own initiatives and own rules to deal with any “bad behaviour” in their community.

The community awareness-raising programme includes talks at schools, villages, Kava Bars and community events with the aim to increase understanding about child protection and deliver key messages on human rights, CRC and CEDAW, including the message that children have the same rights as adults.³³ An issue identified by some police and stakeholders was the Kiribati translation of the word ‘rights’ has a different meaning to that used internationally. In Kiribati the term implies ‘independence’. This has caused confusion with many thinking ‘child rights’ means children have the ‘right’ to do what they want and they are independent of any parental authority. This has angered parents, some of whom used to apparently use the threat of getting police to control their children, and now thought police were telling their children they had the ‘right’ to do what they want. One community elder interviewed blamed ‘child rights’ for encouraging young people to drink and get into trouble. CPU now use the term ‘child protection’ to avoid any confusion. MWYSA is leading the development of a manual for all partner organisations involved in community-awareness raising to ensure they are using a locally relevant and consistent message on child protection..

Other key messages delivered by the CPU, DVSO and partners at community awareness events were about good parenting practices; that domestic violence has an impact on children and young people; that corporal punishment is banned from school; and to stop bullying and sexual harassment.

The CPU has an internal educational and advisory function to promote child protection policies and procedures among officers. They regarded building the capacity of police to work with children appropriately was essential, and this included promoting attitudinal changes and moving from a ‘police force’ to a ‘police service’ approach. A police stakeholder said one of the main messages they give to police was to treat young children like your own in the way you speak to them.

The CPU promote the use of diversion for young offenders to their police colleagues and encourage a community policing preventative approach which involves officers visiting families and talking to parents and young people where there have been issues. A challenge for the OC of the CPU is they are the same rank as the OCS of each of the four police areas and, therefore, have no authority over them. As such, it can be difficult to persuade an OCS to undertake child protection activities, such as diversion, when the OCS has other competing priorities and limited resources to dedicate.

The CPU is responsible for managing police referrals of young offenders to two programmes, Alcohol Awareness and Family Rehabilitation (AAFR)³⁴ and the MWYSA Youth Division Life Skills Training programme. These provide a rehabilitative focus for young people and are important in providing them with opportunities to recovery and reintegrate back into their families and society.

³³ For example the KPPS Annual Report 2012 records community awareness messages were delivered to over 9000 people on Tarawa; and the islands of Kiritimati and Butaritari and Aranuka.

³⁴ CPU is funded by UNICEF for approximately 10 placements to AAFR per year. This is a three week residential programme primarily focused on alcohol abuse rehabilitation.

4.5.4 Domestic Violence and Sexual Offences Unit

Reported incidents of domestic violence to police are high and take up a considerable proportion of police time. For example, the OCS of Betio estimated about 60% of their cases related to domestic violence. However, most domestic violence is not reported as demonstrated by a 2010 study³⁵ indicating that more than two in three (68%) women in Kiribati aged 15-49, who have ever been in a relationship, experienced physical and/or sexual violence by an intimate partner.

The KPPS DVSO unit is based at police headquarters and has both operational and community awareness functions. Their community awareness activities include national campaigns such as White Ribbon Day, community events, workshops, and radio shows often in collaboration with CPU and government agencies and NGOs. The OC of the DVSO also delivers lectures at the Police Training Centre (PTC) to recruits on domestic violence.

Their operational work focuses on victims of domestic violence and sexual offences (adults and children). The DVSO officers do not have an investigative role. On Tarawa, the KPPS policy is that all female victims (adult and children) should be interviewed by a female officer. The rationale is that a woman or girl would be more comfortable talking to a female police officer. As stated, this means that female officers on Tarawa have become DVSO officers, with one assigned to each shift. If the victim requires a medical examination or taking to the safe house at Women's Crisis Centre (WCC), they refer to the DVSO unit at police headquarters for transportation.

The DVSO unit has been supported and mentored as part of the PPDVP and been provided with a dedicated vehicle. As part of supporting police capacity to work with victims of domestic violence and sexual offences DFAT has funded a private space for women and children at Police headquarters called the 'Comfort Lounge'.

The DVSO are part of Safenet which is a multi-agency case management system for DV and sexual offence cases. Safenet has also proven to be a useful forum for addressing issues such as the time that victims would have to wait at hospital for a medical examination, which could be all day. The DVSO and Ministry of Health have now instituted an appointment system for victims of sexual and domestic violence.

4.5.5 Management and accountability

The SOPs for handling children are mandatory for KPPS staff and it is the OCS' responsibility to monitor and supervise staff to ensure that they are applied. When the OCS is not present, it is up to shift supervisors to report any breaches of procedures.

Kiribati does not have an independent complaints authority but children and families can complain to the Police Professional Standards Unit. The role of the unit is to investigate external and internal complaints against police and recommend legal or disciplinary action. They are responsible for 'the review, development and promotion of KPPS values and ethical standards' which are set out in the Police Act, the Commissioner's KPS Orders and Procedures, and the KPS Values are integrated in the KPS Strategic Plan 2012-2015. Statistics from the unit for 2012 were not at the level of detail to show if complaints related to the treatment of children. Several police said their stations were now

³⁵ Family Health and Support Study (2010)

receiving less public complaints, including about the treatment of children, which they thought indicated an improvement in police practices.

Police and stakeholders emphasised the importance of professional standards. A stakeholder thought the police required a stronger code of conduct to be promoted across the KPPS. A senior police officer said it starts with their training and then it is up to supervisors to ensure that professional standards are maintained.

Aligned to monitoring and accountability is the ability of police managers to supervise and mentor their staff, particularly junior officers as much of their learning is done on the job. For example a senior officer said they did talk to their staff about following the SOPs and how they should talk to children. However, he thought his staff required more training on how to work with children and that some officers required more sensitising “so they would care more about them”.

There were conflicting views about how to approach domestic violence, with one junior officer disagreeing with their supervisor who regarded it as a private matter. A few stakeholders observed that recently trained officers seemed to have more awareness about domestic violence (not necessarily child protection) and that older staff required refresher courses.

4.5.6 Training provided for child protection policies and SOPs

The child protection training programme was delivered in early 2013 to approximately 100 officers from Tarawa and from some of the outer islands. A UNICEF consultant delivered the programme in partnership with the KPPS Police Training Centre (PTC) and the CPU in order to orientate training staff to the package. Three courses were delivered back to back with training staff taking increasing responsibility for delivery while the consultant took more of a mentoring role. This method of mentoring the trainers was intended to promote sustainability. The training reportedly went well with positive pre and post course testing indicating that participants ‘demonstrated learning on a number of child protection issues’. Participant evaluations identified student satisfaction with with topics covered, reality of scenario exercises to practical situations and instructional approaches.³⁶ A senior police manager said, “I would say that the package is important and very useful that every police officer and other agencies should understand and know about”. (Police)

This initial delivery of the training reportedly went well from the PTC perspective as trainers were not engaged with other programmes and the Centre was given the training package as a resource. Trainers were also paid an allowance per session. Since 2013 the training package has not been delivered as a week long course. PTC trainers have co-delivered workshops on child protection at stations with colleagues from DVSO, CPU, and MWYSA. It was noted that no delivery allowance was provided for these workshops. For the PTC, funding trainers to conduct child protection workshops and courses is an issue as this is additional to their normal duties. In 2016, the PTC are planning to deliver the child protection training within the recruit course if they receive approval from police management. The challenge is how to integrate the child protection component into the existing time allowed for recruit training.

³⁶ Narrative Report for UNICEF from CPU, KPPS 2013.

Some police and stakeholders suggested that training material and delivery should be in the Kiribati language. One stakeholder said it was important to develop the confidence of the KPPS to develop their own training packages.

4.5.7 Data collection, monitoring and evaluation to inform strategic planning

A database was developed for police to collect more information about children they were coming into contact with to inform strategic planning. Twelve officers across the four stations in Tarawa were assigned as focal points for the e-database and received training, including refresher courses to share their experiences managing the e-database in 2013.

During the evaluation the stations were able to provide some recent statistics on children from their daily crime report. A sample of juvenile offending data from one police area in Tarawa (Bairiki station) over a 10.5 month period in 2015, record incidents involving 46 juvenile offenders (44 male and 2 female) mostly aged 17 years. It is unknown if any of the juveniles were repeat offenders during this time and, therefore, the actual number of individuals. Over half the charges were alcohol-related offences: Drinking Underage; Drunk & Disorderly; Drunk & Driving; Drunk & Incapable. It is unknown if other charges such as common assault involved alcohol also. There were three cases related to domestic violence. It should be noted that this does not reflect all other areas in Tarawa, particularly Betio, which is extremely densely populated and where police deal with a far higher number of cases.

Some of the challenges for collecting separate data on children were that the e-database was not integrated into the KPPS main data collection system, making it additional work. Another issue was the breakdown of laptops provided to collect the data.

4.6 Conclusion

The findings indicate there had been some progress in the way police handle children since the Baseline Report in 2008, however, there is still much the KPPS can do to provide a consistently good service to children and their families.

Children's experiences varied widely and depended to a large degree on the knowledge, training, and attitude of the police they encountered. While many officers had a basic awareness of the procedures for child victims and offenders, some appeared to lack understanding and empathy. Procedures were not always consistently followed, for example, victims' privacy was not always respected, the 'No Drop' policy was not applied consistently and cases were not always properly investigated and followed-up. Youth offenders on Tarawa could be detained in police cells and sometimes, due to overcrowding, they were held with adults.

Diversion for youth offenders was inconsistently implemented; two areas on Tarawa are practicing police diversion including formal caution, community conference, and referring to rehabilitation programmes. The other two areas are charging some youth offenders and proceeding to court where the cases appear to stay 'pending'. The new Juvenile Justice Act now gives a legal basis for police diversion and provides an opportunity for the KPPS to institute diversion across the service. It also provides an opportunity to work with *Unimanes* and communities to develop diversion practices in a way that will be both restorative for victims and rehabilitative for young people.

The organisational systems and resources available to the KPPS in different locations also impacted on children's experiences with police. Lengthy investigations and court processes left victims vulnerable and frustrated. A lack of police resources, such as vehicles, could result in long response times for police. The lack of appropriate facilities meant young people were not afforded privacy during interviews or detained safely.

Significant legislation has been passed to better align national law with the CRC, providing the regulatory basis for the KPPS child protection policy and procedures. The KPPS child protection policies, SOPs, pocket guide, and training package have been developed and there has been some dissemination and training. The task is to better integrate the policies and procedures within the KPPS throughout Kiribati so they are consistently implemented.

Strong leadership will be essential to demonstrate that child protection and domestic violence are a priority for the service, and to both convey and enforce that there will be consequences if there are breaches of policies and procedures or regards to officers own conduct. Given that a considerable amount of police work is related to child abuse and DV, a focus on these areas can only improve organisational performance with regard to increasing conviction rates of those committing violence against women and children.

Since the Baseline Report police are taking more of a partnership approach and engaging with other government agencies, NGOs/CSOs/FBOs. For example their participation in the CPWG to develop national child protection plans and consult on legislation; referrals to MWYSA; working with other agencies to deliver awareness raising activities on child protection and domestic violence. Another positive development is the community policing approaches to more proactively engage with communities to address child protection and domestic violence issues by encouraging them to establish their own initiatives. The community awareness messages appear to be working as evident by the increases in reporting child abuse, sexual abuse and DV. Given the scarce resources and services in Kiribati the capacity of all agencies to cope with increases in reporting is a concern.

The local partnerships, coordination, and training could be enhanced with a more coordinated and strategic approach by donors who fund many of these activities. Donors, in consultation with government and other local partners, could develop a shared understanding of a theory of change that details how the desired outcomes and impacts will be achieved across the child protection system.

Looking across all donor activities involving the KPPS would provide an opportunity to develop a more cohesive and strategic approach to strengthen police capacity in all areas of management and operations. In particular coordinating government and donor strategies and activities on child protection and domestic violence activities would ensure a more efficient and effective use of resources. From the perspective of children, this would raise the profile of child witnesses to domestic violence who are at increased risk of harm in these situations. It would also recognise that much child abuse (physical, emotional, sexual) is committed by family members.

Taking a family violence approach inclusive of all forms of violence that occur in a domestic situation (intimate partner violence [IPV]/domestic violence, child abuse, elder abuse, sibling abuse, abuse of parents) would bring together domestic violence, child abuse and sexual offending under one

umbrella. This would allow for a more effective and efficient approach to addressing this major issue.

4.7 Evaluative assessment

4.7.1 Relevance and appropriateness

The joint UNICEF/Government of Kiribati capacity development programme for police on child protection is highly relevant in a context in which violence against women and children is high. Police have a key role to play within the justice system in dealing with child victims, witnesses and offenders and, as such, need the capacity and capability to do so effectively and efficiently. The development of the KPPS child protection policy and standard operating procedures is highly relevant to improving handling of children by police, but alone will not result in much needed improvements across the justice system.

The alignment of legislation with the CRC has given police the mandate to align their policy and procedures to international standards. The Family Peace Act and Juvenile Justice Act were underpinned by extensive community consultations thereby ensuring its relevance to the Kiribati context. However, there was some noted tensions and confusion about the western concept of 'child rights' and how this translated into Kiribati was interpreted as a challenge to parental authority. Local translation and fuller explanation of human rights concepts are essential for communities to have a deeper understanding. The term 'child protection' is now used and a manual on community awareness messaging is being developed for all agencies to use to assist in clearer communication.

The community policing approach, and partnering with communities to proactively develop their own initiatives to address child protection, is particularly relevant and appropriate as it promotes community ownership of the issues and solutions.

4.7.2 Effectiveness, efficiency, and sustainability

The development and implementation of the child protection policy and procedures appears to have resulted in some progress in police capacity, however as stated there is still much the KPPS could do to provide a consistently good service. While most police officers had a basic awareness of the SOPs, nearly all officers and special constables said they would like more training on child protection and how to better deal with cases of child abuse and youth offenders.

Delivery of the child protection training package has not been sustainable after the initial delivery in 2013, due to resourcing issues. The PTC is planning to add it to recruitment training in 2016 with police management approval. The PTC also requires encouragement and support to develop capacity to design their own training packages. The Family Peace Act and Juvenile Justice Act provide an opportunity for the PTC to do this as police will need training police about how these two Acts impact on their work with children and families.

There was limited access to refresher training as many of these workshops appeared to be funded and provided by other agencies. There needs to be consideration of police access to training to ensure all officers, including special constables, have an opportunity to receive training on human rights, child protection, and domestic violence. The findings indicated that gender sensitisation of all

officers would be beneficial, and in particular males officers who are most likely to be the first contact for children and women.

The CPU has been promoting child protection policies and procedures within the KPPS and to the community. This is now a two person unit and while they have done an admirable job there is a risk the smallness of the unit leaves this role vulnerable. We suggest attention to the unit's capacity, role, ranks and structure will be important to build their sustainability and support their work.

To implement and sustain child protection policies and procedures requires attention to all aspects of KPPS organisational functioning especially leadership, management, accountability, organisational structure, human and material resourcing, training and workforce development.

The initiative to develop an e-database to enable police to collect more data on children has not been sustained and there have been issues such as inconsistent collection of data and laptops breaking down. This initiative requires further development and it was suggested integration into existing data collection systems would better ensure data is routinely collected. More generally the capacity of police to conduct their own monitoring and evaluation to inform strategic and operational requires development.

There was a lack of donor coordination and strategic overview which has resulted in a disconnect between the multiple programmes, workshops, and police mentoring initiatives that are taking place. In particular there could be more coordination of domestic violence and child protection programme activities to increase effectiveness and efficiency.

4.7.3 Impact

Children's experiences indicate that the impact of the capacity development programme has been modest, in particular the greater the distance from Tarawa, and is highly dependent on individual officer's attitudes and knowledge. Children in Tarawa generally have access to female officers who have been trained in handling victims. However some female officers said they would like more specialised training in working with child victims.

Child victims experienced lengthy investigations and court processes, indicating systemic issues that are yet to be addressed. The 'No Drop' policy is not being consistently applied and it appears there are cases where there is little or no follow-up after the initial police interview.

The programme had a more positive impact on those youth offenders who did have access to diversion and rehabilitation programmes. However, diversion was being inconsistently applied and many young people who may benefit from a diversion were not given this option and some were being charged through the court process where their cases remained pending.

Some stakeholders had noted slight changes to police handling of children, while others thought there had not really been much progress and all agreed that police required a lot more training on child protection.

4.7.4 Human Rights and Gender

Some KPPS officers have attended Human Rights training delivered by external providers and access for all officers is required. Training on domestic violence has been integrated into KPPS recruits training via lectures from the OC of DVSO.

Only a small proportion of the KPPS are female officers and more recruitment of women is required for the KPPS to be representative of the community it serves. While the policy to have a female officer on each shift to act as DVSO and interview victims may encourage more recruitment, there is potential this policy restricts the duties of frontline female officers. The KPPS will have to ensure that the DVSOs work does not solely become the domain of women, where it has the potential to become 'women's work' and side-lined. As stated male leadership and support in the area of domestic violence and sexual offending is vital to a positive message to other men.

4.8 Recommendations

Government of Kiribati and UNICEF jointly:

- Replicate the regional recommendation to develop a Theories of Change approach at the country level to develop a shared understanding of, and approach to, capacity development for child protection as a means of improving ownership and achieving greater contextualisation;
- Based on a shared Theories of Change approach agree a joint programme strategy, plans and activities (including those for the KPPS) incorporating regular monitoring and evaluation;
- Identify what specialist services child victims, witnesses and offenders need to support them through the justice processes and assist them in their rehabilitation. Map service accessibility and gaps and consider means of supporting the development specialist services throughout Kiribati.
- Review Kiribati Multi-Year Work Plan to include realization of recommendations in the Kiribati Police Evaluation;
- Resource allocation strengthened for Community Police to sustain outreach to communities e.g. Police transport – push bikes and 1 4WD as roads are very rough, inaccessible, hard to reach long distances for some communities in Buota, Tekawaiaeboou, Betio etc.

Government of Kiribati:

- Identify ways to streamline processes throughout the justice system in order to shorten the time taken on investigations and court processes for child victims, witnesses and offenders.
- Clarify legislation in regards to the legality of home brewing of yeast.
- Identify and support initiatives that reduce the availability and abuse of alcohol and other drugs.

Kiribati Police and Prison Service :

- Commissioner and other senior managers demonstrate unequivocal support for child protection by leading the revision and dissemination of a national police policy for child protection;
- Review standing operating procedures for handling children against the revised child protection policy, ensuring that procedures are relevant to local context and available in local languages;
- UNICEF and KPPS jointly identify ways to develop police technical and specialist capacity in child protection such as developing training packages; interviewing and investigative skills; data collection and analysis regarding children.

- Integrate child protection policies and SOPs within all organisational management and accountability, systems and structures, human and material resourcing, training and workforce development.
- Support police staff to implement the child protection policy and SOPs through access to training; mentoring and supervision; resourcing; and accountability processes.
- Conduct a process evaluation of SOP implementation with a view to supporting adaptation and ongoing learning.

Police Training and Workforce Development

- Further integrate child protection training into national training curriculum and ensure all staff have had access to refresher training on child protection, human rights and gender sensitisation;
- Ensure all systems and processes can be analysed by gender and initiate a regular gender review of all appointments, promotions and trainings.
- All 500 strong Kiribati Police Service personnel to be trained in Child Protection, Handling of Children in contact with the law and Family Protection including 20 in Kiritimati Island in regards to:
 - Child, Young People and Family Welfare Act (2013)
 - Family Peace Act for DV (2014), Juvenile Justice Act (2015)
 - Juvenile Justice Act (2016)

5 REGIONAL PROGRAMME EVALUATIVE ASSESSMENT

This chapter draws on the findings from the three evaluation countries to assess the relevance, effectiveness, sustainability, efficiency and impact of the regional programme, and the extent to which the programme addresses human rights and gender issues. The assessment is limited in that the evaluation focused primarily on the development and implementation of police policy and procedures for child protection and so only one component of a more holistic programme. However, assessing this component provides useful insights and lessons that are relevant for all programme activities.

5.1 Relevance

The joint UNICEF/government child protection programme is highly relevant in the three evaluation countries given the number of children and young people who have experienced police handling as child victims, witnesses, and offenders. The programme is aligned with partner countries' priorities and those of UNICEF as the international lead agency on child rights and protection. The protective environment framework that guides the programme supports and builds on both government and community capacity to prevent, and respond to, violence against children through promoting and facilitating national legislation aligned to the CRC and its incorporation into policy and practice. It also supports national child protection coordination mechanisms and raising awareness among communities of the rights and protection needs of children and young people. Joint UNICEF/government planning provides opportunities for ensuring activities are tailored to the social, cultural, economic and political context, hence building the ownership necessary to successful implementation.

In Fiji and Kiribati, significant legislative changes have led to national law and policy on child protection; in Kiribati, legislative change, most recently the Juvenile Justice Act (2015), followed broad community consultation to ensure widespread understanding of the law and commitment to its enactment. Enacting Decrees and draft legislation related to child protection in Fiji will further strengthen community and organisational mandates. National child protection coordination mechanisms provide a source of expert advice and support, and facilitate policy consultation processes.

Given the key role national police play in protecting children, support for the development and implementation of a child protection policy and related procedures in each country is also highly relevant. National police organisations were provided technical assistance to develop child protection policies and procedures but policy consultation with other stakeholders and tailoring of the procedures varied across the three countries. There is some evidence of broader consultation in Fiji and Kiribati than in Vanuatu, where it was minimal. In Vanuatu, no attention was given to the role of the informal justice system, which is used extensively given the limited reach of the formal system. In all countries the police child protection policies and procedures, and the accompanying pocket guides, are only available in English. As ownership depends to a large extent on appropriateness, more time and attention is needed to adapting the programme to fit local circumstances, which requires broad-based consultation with communities, government agencies and other stakeholders to ensure a shared understanding of programme goals and the means for achieving them.

5.2 Impact

At a regional level, the child protection programme has impacted positively on the development of national child protection legislation in two of the three evaluation countries. Legislation aligned to the CRC has provided the impetus for police and other organisations to develop child protection policies and related procedures. Consultations on proposed legislative changes have raised awareness of child protection concerns and the role of police, welfare, and communities and community organisations, including churches, in preventing harm to children in the first instance and the importance of a quick, effective and appropriate response. However, difficulties have arisen where time has not been taken to consult, adapt, and translate community awareness-raising messages to the local context and to ensure that all partners' messages are consistent and aligned to the CRC. As a result, rights-based approaches have come to be seen by some as externally imposed and impinging negatively on parents' ability to discipline children. To some extent this has distracted from important messages on the developmental aspects of child protection, as well as the broader social and economic costs of not protecting children. Broad-based consultation at all stages of the programme would help to avert such problems in the future.

The findings across the three countries indicate that the programme has had a modest impact on how police handle children, although this varies within and between countries. In Fiji and Kiribati there has been some improvement from the 2008 baseline reports, but in Vanuatu there has been little change. Some children report police treat them with care and respect; others had negative encounters with police and with the justice system as a whole. Child victims report being treated as adults, being 'interrogated' as if they were perpetrators, being judged, particularly with regard to allegations of sexual offending, and not being listened to or believed. Youth offenders report being subject to intimidation, threats and violence at the hands of some officers, and being inappropriately detained and charged rather than being given the option for diversion. In none of the three countries, is the No Drop policy – the policy requiring investigation of all allegations of violence against children, consistently applied. Diversion for youth offenders is not being consistently applied or according to police policies and procedures, and in some instances a formal policy is yet to be disseminated.

The variability between children's encounters with police indicates that for most police decisions about child handling are based on personal knowledge and experience rather than on policies and procedures. As such, a child's experience of police in all three countries currently depends, to a large extent, on luck. Building individual police capacity to handle children according to policy and procedure is central to improving child protection, but so also is building capacity across the justice and welfare sectors, in close collaboration with communities.

While the programme has had limited impact on police handling of children per se, the development of a CP policy and procedures has served to raise awareness of the broader issues around child protection specifically, and violence against women and children more generally. Given the small number of activities implemented in each country, the programme has been effective in generating interest and work among other agencies. Changes in legislation have given others the impetus to fill gaps in specialist services, such as MSPs post-rape care programme in Fiji. MSP works in partnership with government to provide holistic care for victims and, at the same time, to increase the rate of convictions. Other key agencies such as FWCC, Empower, VWC and Kiribati WWC have been strong advocates for women and children over many decades. Organisations such as these are well placed

to expand their programmes, thematically and geographically, subject to appropriate levels of reliable, transparent strategic funding arrangements.

Donor preferences for funding governments in recent decades has precluded the expansion of non-governmental providers and limited the development of new ones, despite the widely acknowledged need for more community-based services for women and children survivors of violence, and for more prevention programmes.

5.3 Effectiveness, efficiency and sustainability

While many police have a basic awareness and understanding of how children should be handled, fewer have an explicit awareness and understanding of current child protection policy and procedures. Access to training and professional development is ad hoc, and general duties staff and special constables are less likely to receive training than senior staff and staff in special units, despite being the most likely initial contact for children. External training providers offer opportunities for officers to up-skill but can fail to build sustainable and appropriate in-country training capacity that provides police with necessary background to policy as well as specific training in procedures adapted to local circumstances, context and resourcing. NGOs are valuable partners in developing police and other child protection actors' capacity but they are not able to provide training in procedures or ensure police are held to account for the use of procedures.

The findings highlight systemic issues within police and across the police and justice sectors. Investigations are often not up to standard, which, when combined with lengthy court processes, leads to cases being dropped. In such situations, victims are vulnerable to further harm by the perpetrator. In Vanuatu, delays mean that families often resort to *kastom* ceremonies to restore community harmony, a critical consideration for all ni-Vanuatu but one that disempowers victims. There is a clear need for senior management to move beyond signalling commitment to a child protection policy and ensuring that policies and procedures are implemented throughout the organisation along with monitoring and accountability mechanisms to enforce them. Moreover, government needs to ensure that expectations of police and the justice system are matched with resources.

Linkages with other regional programmes funded by international donors appear minimal reducing the effectiveness of programmes individually and collectively as well as increasing the burden on partner governments. Moreover, while the outcomes sought are generally agreed, the processes for getting there are not. Most donors support organisational capacity development approaches that aim to improve overall organisational functioning even though there is very limited evidence of its success (see Chapter 6). A shared understanding of the child protection outcomes government and citizens seek and how they think it might be best achieved, needs to underpin capacity development approaches if they are to be effective. Forums to determine outcomes and processes using Theories of Change approach are best done at the national level to ensure local social, cultural, economic and political considerations are factored in. Current donor approaches focused on thematic areas appear to be strengthening parts of police operations at the expense of the overall organisation, and work against mainstreaming of gender and human rights generally. Improved strategic coordination will reduce overlap and duplication and improve cost-effectiveness.

5.4 Human Rights and Gender

It is widely agreed that addressing unfair discrimination requires both targeted activities and gender mainstreaming in all policies and programmes. The regional child protection programme targets children specifically but there is less evidence of mainstreaming, in particular in the police CP policy and procedures. Rather, the policy and procedures are “gender blind” in that they fail to consider the needs of girls and of boys, and how these might differ. In the absence of appropriate training that incorporates gender sensitisation; some police officers base their treatment and practice on gender stereotypes that result in inappropriate decisions and handling of children.

Moreover, across the three countries there is a perception that women are better at handling child and adult victims of domestic violence and sexual offences than men and that it is more appropriate for women to handle victims as they are most often women and girls. However, this leads female officers to be channelled to this area of work and given preference in training. This, in turn, results in workforce segregation at the expense of other male officers, many of whom want and need an understanding of the issues surrounding violence against women and children and how to respond.

National police organisations have taken steps to increase the recruitment and retention of women officers, on the basis that a national force should reflect the population it serves, but with limited effect. A small number of women officers are in senior management positions in each of the evaluation countries but they are far from the critical mass needed to shift the organisational culture to one that recognises women’s right to full and equal participation in social, economic and political life. National police organisations have a key role to play in generating this shift by taking seriously their responsibility to enforce legislation that criminalises domestic violence and other forms of violence against women and children. This requires that government and police management to prioritise the establishment of effective management and accountability systems and use those systems to hold officers at all levels to account, which will give citizens confidence that the systems are in place and are working.

6 BUILDING CAPABILITY FOR CHILD PROTECTION

6.1 Introduction

This section briefly reviews some of the issues around capacity development before then outlining the approach guiding the joint UNICEF/partner government programme for child protection and the Theory of Change that underpins the programme. It then considers the strategies used in the country programmes and compares the fit with the systems perspective that informs the programme. What emerges is a gap between the systems thinking and the strategies employed in capacity development for police and actors in the child protection system.

Two strategies are suggested to bridge that gap; the first is to consider Theories of Change as an approach to guide critical and reflexive approaches to programming that unpack the ‘black box of causality’ and underpinning assumptions to make more explicit how inputs are expected to achieve outcomes. The second is to develop a shared understanding of capacity development and capabilities with government partners, the communities they serve and all donors working in child protection focused on determining “capacity for whom” and “capacity for what”. Such an approach to capacity development has the potential to enhance capabilities across the child protection system.

6.2 Background

The UNICEF Child Protection Programme is a programme component within UNICEF’s multi-country programme developed in collaboration with Pacific governments and other UN agencies, funds and programmes active in the Asia-Pacific region. The aim of the CP programme is to support Asia-Pacific governments to promote and protect the rights of all children through capacity development for child protection contextualised for each country.

Despite a significant increase in recent years for police forces in the global North³⁷ to provide capacity development to their counterparts in the global South, in particular as a component of peace missions, such programmes remain poorly documented and understood³⁸ and there is little agreement on what capacity development means.³⁹ As Peter Morgan notes, “despite all the commotion, capacity development remains a concept of enormous generality and vagueness”.⁴⁰

UNDP clearly defines and distinguishes ‘capacity development’ from ‘capacity building’, with the former referring to the process through which individuals, organisations and societies obtain, strengthen, and maintain the capabilities to set and achieve their own development objectives over

³⁷ The terms global North and global South are used here to differentiate wealthy industrialised nations most of which are located in the Northern Hemisphere from less industrialised and poorer nations that dominate the Southern Hemisphere.

³⁸ McLeod, Abby. 2009. Police capacity development in the Pacific; the challenge of local context. *Policing and Society*, 19:2, 147-160, Page 147.

³⁹ Harris, Vandra. 2010. Building on sand? Australian police involvement in international police capacity building. *Policing and Society*, Vol 20 (1):79-98, page 80.

⁴⁰ Morgan, Peter. 1998. Capacity and capacity development – some strategies. Note prepared for the Political and Social Polices Division, Policy Branch, Canadian International Development Agency, October 1998. Page 2.

time and the latter to a process that supports only the initial stages of building or creating capacities and assumes that there are no existing capacities to start from.⁴¹ UNDP uses capacity development as a term that recognises existing local capacity and works collaboratively to enhance it.⁴² The shift from capacity building to development reflects the institutional focus of the work of donors in contrast to community-based capacity building with its foundation in conscientisation of Paulo Friere and the rights focus of Liberation Theology.⁴³

The growth of involvement of police from the global North in capacity development of police in countries in the global South, often but not always in conflict/post-conflict contexts, has led to a parallel rise in academic and policy literatures.⁴⁴ Given the importance noted in the capacity development literature of tailoring capacity development to local contexts, not only that related to police but other institution development processes, it is interesting to note that the failure to contextualise programmes is a consistent finding of evaluations.

A key factor inhibiting external capacity development programming is that it highlights the “ongoing unspoken assumption that outsiders ‘know’ how to do the things that ‘locals’ ought to do in order to improve their capacity”.⁴⁵ As such, while the importance of stakeholder analysis and participatory planning processes are widely acknowledged, the roles played by formal and informal actors in the maintenance of social order and the importance of local community infrastructure, these factors are usually overlooked in design and implementation work.⁴⁶

The importance of local voices in the design and implementation of police capacity development is clearly illustrated in McLeod’s investigation of Australian Federal Police support for the Royal Papua New Guinea Constabulary (RPNGC). Drawing on interviews and focus group discussions with recipients of police capacity development programmes - approximately 100 Papua New Guineans

⁴¹ UNDP (United Nations Development Programme), 2009. Capacity Development: A UNDP primer. United Nations Development Programme: New York

⁴² UNDP (United Nations Development Programme), 2008. Supporting capacity development: the UNDP approach. New York: United Nations Development Program.

⁴³ Eade, D., 2007. Capacity building: who builds whose capacity? *Development in Practice*, 17, 630-639. Page 632.

⁴⁴ See Hood, L., 2006. Missed opportunities: the United Nations, police service and defence force development in Timor-Leste, 1999-2004. *Civil Wars*, 8 (2), 143-162; Horn, A., Olonisakin, F., and Peake, G., 2006. United Kingdom-led security sector reform in Sierra Leone. *Civil Wars*, 8 (2), 109-123; Goldsmith, A. and Dinnen, S., 2007. Transnational police building: critical lessons from Timor-Leste and Solomon Islands. *Third World Quarterly*, 28 (6), 1091-1109; McLeod, A., 2007. Police reform in Papua New Guinea. In: A. Browne, ed. *Security and development in the Pacific islands: social resilience in emerging states*. Boulder, CO: Lynne Rienner, 73-88; McLeod, A. and Dinnen, S., 2007. Police building in the Southwest Pacific - new directions in Australian regional policing. In: A. Goldsmith and J. Sheptycki, eds. *Crafting transnational policing: police capacity-building and global policing reform*. Oxford: Hart, 295-328. for case studies of external attempts to strengthen policing in developing countries).

⁴⁵ McLeod. 2009, page 148.

⁴⁶ *ibid*, page 149-50.

who worked with Australian police along with 33 Australian police involved in delivery, McLeod argues the importance of the following three factors⁴⁷:

- the need for an awareness of the local conditions and the needs and aspirations of recipient country police officers as a first step in developing a programme that is locally meaningful, while noting also the complexity of achieving this;
- understanding the motivations for assistance on both sides, in particular given the basic development tenet that institutional reform is dependent upon local ownership and political will. While AFP believe ‘requests for assistance’ express a desire to learn from more experienced developed-country counterparts, Papua New Guinean police were open in their desire for material resources albeit in the context of their work; and
- the core challenge for those intending to deliver external police capacity development is reconciling donor and recipient perceptions of capacity development. For RPNGC, the very language of capacity development, however defined, presupposes a capacity deficit on the part of the recipient. Moreover, while RPNGC acknowledge the lack of capacity in particular areas, they, in turn, contest Australian knowledge and understanding of the PNG policing context and the Australian’s capacity to impart knowledge that is locally relevant and meaningful.

The lack of shared purpose and failure to acknowledge local contingencies present significant barriers to engendering local energy for reform. At the heart of the challenge to develop local meaningful capacity development programming in PNG is the acceptability of violence in PNG society⁴⁸, an acceptance that is antithetical to Australian police practices and the principles underpinning modern policing such as respect for human rights. In addition, for the people of PNG, the absence of non-state actors in dispute resolution processes renders a process incomplete and unresolved. ‘Talk’ is a critical process in resolving wrong doing and removing conflict resolution from community processes and putting them under the formal processes is seen as further damaging social relations.

There are significant practical difficulties adapting foreign policing assistance to local circumstances, not least among them the universal declarations and donor value systems of impartiality and respect for law that underpin such assistance which, for those at the sharp end of assistance, are simply alternative views of the world and not one that particularly makes sense in the world they must police. As McLeod notes, until we acknowledge the realities of aid “including unequal power relations and the imposition of foreign values, the notion of adapting foreign assistance to police will simply remain a moral dictum” and there will be little tangible progress made regarding what kind of assistance can be usefully provided.⁴⁹

6.3 The Child Protection Programme, Theory of Change, and Capacity Development Approaches and Strategies

The joint UNICEF/partner government child protection programme, guided by the Protective Environment Framework, is a child-centred, holistic and long-term approach to preventing child

⁴⁷ *ibid*, 155-6

⁴⁸ *ibid*, page 157.

⁴⁹ *ibid*, 2009, page 159.

abuse and exploitation, which addresses the social reintegration and recovery of those who have been abused. It seeks to support, in collaboration with partner governments:

- national legislation and justice systems that protect children as victims, witnesses and offenders,
- effective and efficient child protection systems that protect against and respond to violence, abuse and exploitation, and
- family and community environments that are free from violence, abuse and exploitation.

From this systemic perspective, the programme assumes that organisational performance (and constraints) is derived as much from the effects of interlocking external relationships with other individuals, groups and organisations as they are from their internal structure and functioning.⁵⁰ Most important, it also assumes that public policy issues cannot be resolved by the actions of a single organisation. What is required is productive action amongst collaborating organisations that work to deliver the same kind of service.

From this perspective, the range of possible capacity development strategies becomes complex. Donors can focus on one element or organisation in the belief that it represents the key leverage or entry point for system improvement. Or assistance can be directed to the system as a whole in an effort to achieve more systemic outcomes. This approach in turn implies greater donor coordination and joint action. The downside lies in its complexity and difficulty of implementation. It is hard for outsiders to master the intricacies of complex organisational systems in partner countries. The increase in the number of stakeholders and other interested parties makes it difficult to ensure coordinated action. However, while arguing for a systems approach to child protection, UNICEF and partner governments have employed a select number of strategies and targeted initiatives in different country contexts while leveraging off other donor programmes, such as work on the elimination of violence against women and children, and offer opportunities for learning and innovation that have the potential for wider impact.

The different, and often overlapping, strategies used in the regional child protection programme include creating an enabling environment for child protection through securing legal rights and provisions that align with the CRC, supporting constitutional reform, promoting community awareness and attitudinal change, facilitating the ability for consultation, coordination and collaboration, and improving information management and use. This is done by lobbying governments, creating pockets of expertise and working to improve institutions and the broader social and political patterns that shape capacity development. A child protection policy and procedures for national police organisations is but one example of such initiatives. The importance of creating these contextual changes is vital to enabling legitimate, sustainable productive capacity, and is an area that is often overlooked (Morgan 2011).

The programme also supports governments to set clear strategic direction and policies with a focus on child protection. This includes support for national child protection coordination committees, developing and implementing juvenile justice procedures as well as informal and formal welfare

⁵⁰ Morgan, P. 1998. Capacity and capacity development – some strategies. Note prepared for the Political and Social Policies Division, Policy Branch, Canadian International Development Agency. October, 1998; Morgan, P. 2006. The Concept of Capacity: Study on Capacity, Change and Performance. European Centre for Development Policy Management. See <http://ecdpm.org/publications/the-concept-of-capacity/>

systems that support the recovery and reintegration of child victims, witnesses and offenders. However, while the development of policy is relatively straightforward implementation is a major challenge, as is evident in the case of the police child protection policy and procedures.

A further strategy is to protect innovation and provide opportunities for experimentation and learning, which often involves identifying a champion who can lead change. In Vanuatu this is seen in support for the development of community-based child protection plans including in emergencies. The establishment of Child Protection Focal Points in the Fiji Police Force and the support for the Community Policing team to champion child protection in Kiribati are other examples. Ensuring the role is sustainable and not solely reliant on the person is the challenge as when the champion goes the work often goes too.

The strategies and activities are effective where they combine with the capabilities for implementation but where they do not, bottlenecks occur. For instance, the lack of legislative drafting capabilities has hindered legislative reform. When there is a gap in capabilities, activities on their own do not develop institutional or organisational capacity, which it is argued, needs to be seen as much a development outcome as the intended impact.

Theory of Change

The Regional Child Protection Programme is informed by a Theory of Change (see Figure 1 below) based on eight underlying principles of the protective environment contextualised to the Pacific and three intermediate outcome areas related to strengthening the child protection system in the areas of: legal and policy reform; delivery of accessible, quality justice and social services; and promoting positive social norms that enable children to grow up in environments free from violence, abuse and exploitation.⁵¹ Realising the three intermediate outcomes will in turn produce the longer term impact of a more accessible system delivering higher quality services that both prevent and respond to violence, abuse and exploitation of children. At the same time, parents, caregivers and children collectively create child-friendly communities free from violence, abuse and exploitation. Underpinning change is the imperative to ensure equitable results, recognizing the particular vulnerability of children with disabilities and ensuring gender equity and equality. Monitoring of key bottlenecks and barriers will take place throughout the programme cycle to ensure this Theory of Change is tested, knowledge from lessons learned are harnessed and adaptations to the programme focus undertaken as needed.

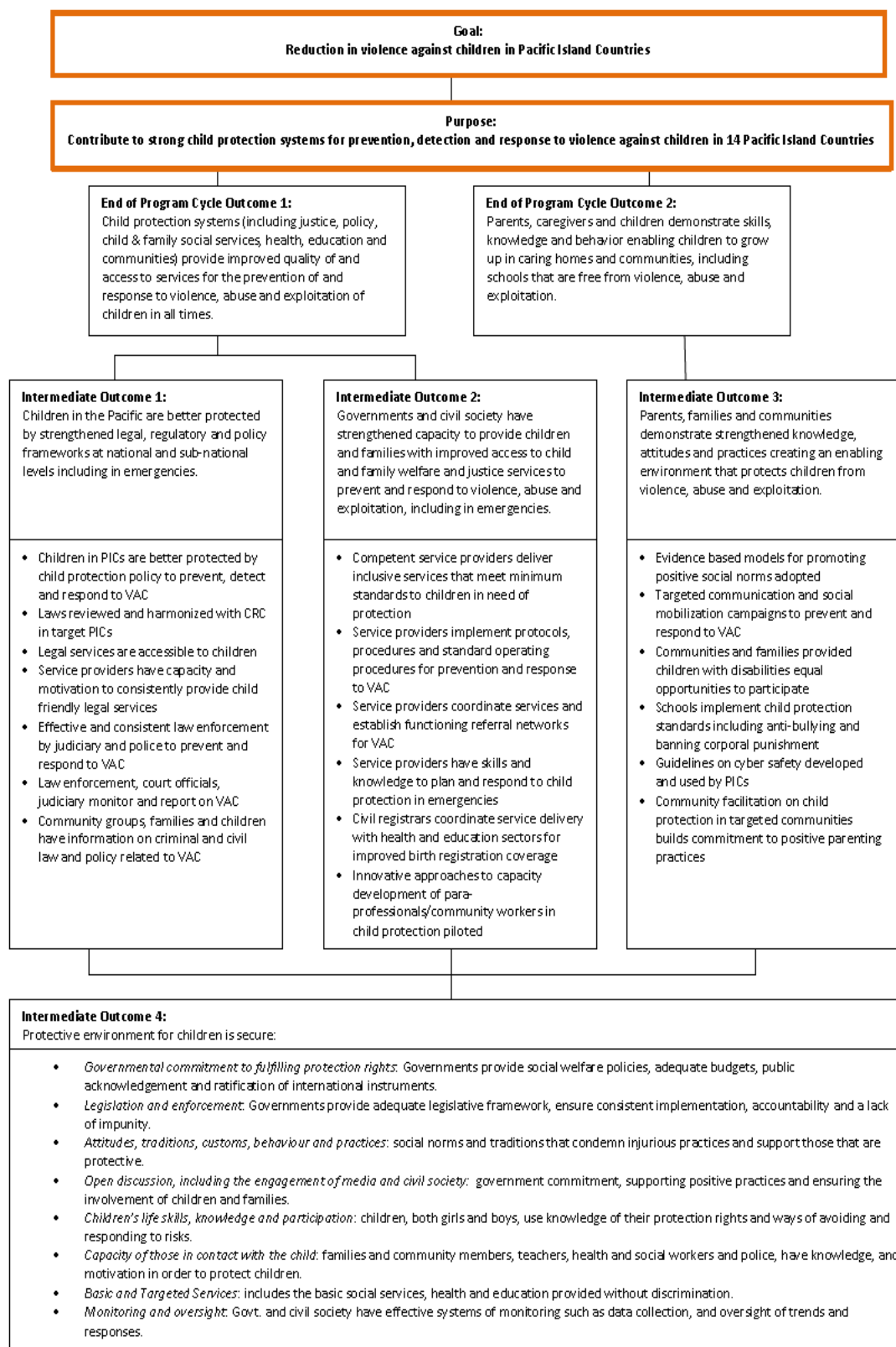
While a commitment to ongoing monitoring and testing of the Theory of Change indicates a willingness to move beyond static programme theory to a more reflective and adaptive approach to programming, the outcome focus of the model fails to unpack the 'black box of causality' between inputs, outputs and outcomes.⁵² There is a danger, then, of ignoring the process elements and the oft-forgotten assumptions linking project activities and outcomes and not making explicit, and critically assessing, assumptions underpinning change processes at a number of different levels, including the micro, macro, sectoral, and organisational. As a result it fails to identify knowledge

⁵¹ UNICEF. N.D. Protecting Children from Violence, Abuse and Exploitation in the Pacific: UNICEF Child Protection Program. Investment Design for Child Protection Programme, UNICEF Pacific 1 July 2014 – 31 December 2017.

⁵² Valters, Craig. 2015. Theories of Change: Time for a radical approach to learning in development. The Asia Foundation. Overseas Development Institute: London

gaps or to encourage ongoing critical reflection on the specific (changing) context and how the programme rationale and strategies fit within it.

Figure 1. Theory of Change for UNICEF’s Regional Child Protection Programme.



6.4 Other donors' approaches to capacity development

UNICEF is but one donor supporting capacity development of the justice sector more broadly and police specifically. Other significant actors in the Pacific are New Zealand and Australia who both have bilateral programmes and support regional programmes.⁵³ The most common approach to capacity development among these and other international donors is to help organisations do better what they are already doing by providing additional resources and/or technical expertise. This “organisational capacity development” approach, which revolves around the training and equipping of formal state law and justice agencies and their staff, together with support for improving internal management systems and governance processes, presumes that an increase in organisational capacity and skills base will convert into improvements in the quality of the service it provides. It remains the dominant model of justice assistance provided by the Australian aid programme despite the Australian Office of Development Effectiveness (ODE) questioning its effectiveness.⁵⁴ ODE’s views reflect an increasing international dissatisfaction over the past decade of development aid to policing, justice and law sectors much of it focused on capacity development.⁵⁵ Morgan argues that donors favour the approach, despite the very modest evidence for success, because it draws on services they have in ready supply. However, the constraints are lack of fit and relevance. In his view, the modest record of success is because it is not that people do not have skills, in the main, but that the context and organisational constraints (politicization, poor/unpaid salaries) means the organisation can work but does not want to.

As DFAT notes, no amount of capacity development and collaboration of formal actors necessarily translates into improvements in the wellbeing of beneficiaries, the ultimate aim of justice sector support. It goes on to note the following lessons-learned for future work:

⁵³ The three Regional Policing Initiatives in the Pacific to which Australia and New Zealand both contribute are: Pacific Islands Chief of Police (PICP); Pacific Prevention of Domestic Violence Programme (PPDVP); and Partnership for Pacific Policing (3P). The PICP Secretariat, which is based in Wellington, is co-funded by Australia. Motivations for supporting regional initiatives include: strengthening police networks; promoting experience sharing and learning (especially PICP) and the development of complementary interventions and common approaches across the Pacific, while recognising the cultural and context specific nature of interventions; and developing accountability between police forces for taking forward initiatives.

The Pacific Islands Chiefs of Police (PICP) is a non-profit organisation made up of police services in the Pacific. The PICP works to improve policing in the Pacific by providing a common voice on law enforcement, a forum to share ideas and information on crime and policing, and coordinating training and development activities for our members. The Pacific Police Training Advisory Group and the Pacific Prevention of Domestic Violence Programme (PPDVP) are just two of the PICP’s initiatives through which skilled Police members deliver advice, training and operational support on domestic violence to the police forces and communities across the Pacific. The Australian Federal Police – Pacific Police Development Programme Regional (AFP PPDPR) joined PPDVP from 2013 to provide assistance and support in Micronesia and in some other Pacific countries.

The Partnership for Pacific Policing (3P) programme is a four-year NZ\$14.9 m programme for capacity development of the Pacific police services in the Cook Islands, Kiribati, Niue, Tokelau, Tuvalu, Samoa and Vanuatu. Outcomes targeted under 3P include:

- increased public confidence in the police
- more professional police forces in the Pacific, and
- stronger links between Pacific police services and their governments.

⁵⁴ Department of Foreign Affairs and Trade (DFAT). 2014. Policing and Justice Support Program (Vanuatu)(PJSPV): Program Design. May 2014, page 45.

⁵⁵ *ibid*, page 47

- monitoring and evaluation of capacity development in particular must focus on outcomes rather than outputs and identify an effective measure of results;
- ODE's review of institutional capacity development through the provision of dedicated advisors found minimal evidence that alone it leads to improved policing, law and justice services. As such, it advocates a model that combines institutional capacity development, problem solving, service delivery and thematic approaches;
- the need to go beyond institutional capacity development and include support for government and NGO initiatives;
- a sector wide approach is more effective when sector strategies are used as a management tool and collaboration is focused on specific, substantive issues;
- flexible engagement maximises continued and strong ownership;
- working more closely at the point of interaction between law and justice institutions and citizens can be more effective as the causal link is short and direct;
- more modest outcomes and good enough solutions may be more realistic than idealised and overarching solutions; and
- including justice as a development outcome in its own right is valuable.⁵⁶

6.5 Towards a programme for developing capacity and capabilities for child protection

In light of the forgoing discussion the following steps are recommended in enhancing the capacity development approach for joint programming on child protection, including for national police forces.

- 1 Using a Theories of Change approach, develop in close collaboration with partner governments, communities and donors working in the justice sector and on child protection, Theories of Change from the macro to the micro level.
- 2 In close collaboration with all partners engaged in step one, develop a shared understanding of capacity and capabilities development.
- 3 Drawing on 1) and 2), work with all partners to identify strategies and activities to achieve the vision of preventing child abuse and exploitation, which also addresses the social reintegration and recovery of those who have been abused.

⁵⁶ ibid, page 49

7 RECOMMENDATIONS

This report recommends that:

UNICEF

- Review its national child protection staffing structure and appointments to ensure appropriate leadership and facilitation is provided to national child protection committees and working groups with a view to influencing further alignment of national legislation to the CRC according to countries' priorities;
- Consider means of supporting the development of quality, appropriate and accessible rehabilitation and reintegration services to child victims and witnesses to violence and youth offenders;
- In collaboration with partner governments, identify research gaps and build on previous research to identify :
 - how police can better respond to child witnesses of domestic violence;
 - how formal and informal justice mechanisms can better be integrated to address youth offending, child victims and child witnesses of violence;
 - the nature and quality of child protection awareness-raising materials with locally appropriate messages in local languages.

UNICEF and Government partners

- UNICEF and partner governments work with donors and regional, international and national organisations engaged in child protection to:
 - develop a shared understanding of and approach to capacity development for child protection using a Theories of Change approach as a means of improving ownership and achieving greater contextualisation;
 - agree strategies for police capacity development on child protection based on a shared Theories of Change approach;
 - prepare joint programme plans and activities for capacity development for child protection, which includes attention to implementation and incorporates monitoring and evaluation.

Recommendations for Government partners

Government agencies with responsibilities for child protection

- Ensure all national child protection committees and working groups are inclusive and have appropriate terms of reference signed-off at the highest levels, and that all such groups are resourced appropriately;
- Address gaps in child protection legislation and regulation to bring all national legislation in line with the CRC;
- Progressively realise protection for child victims of and witnesses to violence and youth offenders through the provision of:
 - quality, appropriate and accessible rehabilitation and reintegration services are provided by government, communities, non-government and faith-based organisations.
 - clear, specific memoranda of understanding to guide inter-agency to collaboration on child protection .

National Police Forces/Services

Police policy and procedures

- Commissioners and other senior managers demonstrate unequivocal support for child protection by leading the revision and dissemination of a national police policy for child protection;
- Review the current child protection policy for completeness and accuracy against international standards in close collaboration with national police staff to draw on recent experience of policy implementation;
- Consult the draft police child protection policy widely with other national child protection agencies and communities with attention to chiefs/elders, community leaders, women's organisations working in domestic violence and child protection;
- Finalise and widely disseminate and publicise the police child protection policy, ensuring that it reflects local understandings of child protection and is available in local languages;
- Review standing operating procedures for handling children against the revised child protection policy, ensuring that procedures are contextualised, available in local languages, taking into account agreements over the jurisdiction of the formal and informal justice systems (where applicable);
- Plan for and implement the SOPs in close collaboration with other child protection stakeholders with close attention to community engagement, in particular chiefs/elders and other community leaders and other child protection actors;
- Conduct a process evaluation of SOP implementation with a view to supporting adaptation and ongoing learning;
- Review how more comprehensive data on children can be integrated into police data collection systems to inform strategic planning.

Police Training and Workforce Development

- Strengthen, or eEstablish, where they do not exist, human resource management systems and processes that track staff performance and training and are linked to promotions;
- Strengthen, or eEstablish, where they do not exist, performance-based management and accountability systems that hold managers to account for ensuring staff understand and comply with child protection policy and procedures;
- Ensure all systems and processes can be analysed by gender and initiate a regular gender review of all appointments, promotions and trainings;
- Further integrate child protection training into national training curriculums and institute regular monitoring and evaluation to identify training needs and support police competencies.

Appendix 1: Terms of Reference for Evaluation of Capacity Building for Police on Child Protection in Pacific Island Countries (Fiji, Kiribati and Vanuatu)

Commissioning Office: UNICEF Pacific

1. RATIONALE FOR EVALUATION

A key component of child protection system building is strengthening the response provided by service providers. As the child protection programme in the Pacific expands both in its scope and geographic coverage evaluation of the approach to police capacity building in the South Pacific countries of Fiji, Kiribati and Vanuatu provides an opportunity to learn. An evaluation also enables the programme to build on experiences using evidence to guide programming within the three target countries for the evaluation as well as in additional countries of the Pacific.

2. PURPOSE

The overall purpose of the evaluation is to determine the relevance, effectiveness, efficiency, impact and sustainability of UNICEF capacity building of police on child protection in Fiji, Kiribati, and Vanuatu with regards to the ability of those police forces to sustain and strengthen protection of child victims, witnesses and offenders. Evaluation findings will primarily be used to guide policy and programme strategy of partners including the respective country police forces, government officials in the law and justice sector, bilateral and multi-lateral partners supporting policing programmes in the Pacific, and other UN partners. Findings will also be used for wider advocacy for a stronger child protection system within policing in the Pacific Island Countries and with partners supporting capacity development of police in the Pacific. The evaluation will be led and managed by UNICEF Pacific in collaboration with the Fiji Police, Kiribati Police and Vanuatu Police.

The primary audience for the evaluation are the police forces in Fiji, Kiribati and Vanuatu, with secondary audiences policy makers within these governments; bilateral partners working in the law and justice sector; and programme managers with UN agencies working to strengthen capacity of police.

3. BACKGROUND INFORMATION

Initiatives are underway to develop services for children that address violence and abuse, however significant challenges remain in ensuring resources and adequate capacity. Limited data and lack of coordination further constrain service delivery. A number of countries in the Pacific have made progress in strengthening laws that provide protection to children, with enforcement of these laws a priority. UNICEF Pacific began supporting capacity building of police as part of its child protection programme in 2008 to present. During the 2008-2012 programme cycle capacity building of police contributed to the country programme result '*ensure that children are increasingly protected by legislation and are better served by justice systems that protect them as victims, offenders and witnesses*'. In the current country programme 2013-2017 capacity building of police supports the implementation of law and policy reforms and the development and strengthening of child protection services under result area:

- *By 2017, governments and civil society have strengthened capacity to provide children and families with improved access to child and family welfare and child justice services to prevent and respond to violence, abuse and exploitation, including in emergencies.*

Inclusion of capacity building of police as a key programme intervention was the result of the 2008 child protection baseline studies conducted in Fiji, Kiribati and Vanuatu. Baseline studies examined the role of the police in child protection, available services, capacities and attitudes. It covered child victims, witnesses and offenders including diversion programmes. The baseline studies provided recommendations in critical areas such as the need to review police procedures and protocols including the recommendation to address the interview process of children; systematic approach to the prevention and protection of children against abuse, violence and exploitation and further training of police, including specialized units.

Key areas identified to address through capacity building included:

- Weak referral mechanisms between police and other service providers for child victims.
- Lack of specific guidelines on treatment of young offenders and young victims in police standing orders.
- Limited capacity to implement existing diversion guidelines/procedures.
- Unreliable age/sex disaggregated data on child victims/offenders.
- Of formal services providers available, police (and health workers) most often cited as the service a caregiver would approach for help if a child was hurt.

As a result of the baseline studies UNICEF Pacific in collaboration with the police forces in Fiji, Kiribati and Vanuatu developed programme interventions building on the country specific recommendations from the respective child protection baseline studies. Whilst each country approach is slightly different in specifics, general areas of support across all three countries include development of policy guidelines, Standard Operating Procedures, specialized training on sexual offences, data and information, integration of training into police academies and community awareness and outreach.

4. OBJECTIVES

The objectives of the evaluation are:

- To determine the extent to which the capacity building of police on child protection in Fiji, Kiribati and Vanuatu has met its objectives.
- Determine the relevance, efficiency, impact and sustainability of the capacity building approach to strengthen the child protection system in Fiji, Kiribati and Vanuatu, in particular to improve services for child victims, witnesses and offenders ensuring a rights based approach to children in contact with the law. In addition, the evaluation will assess the extent to which police capacity building has addressed gender and human rights based approaches.
- Provide practical recommendations for the refinement of the capacity building approach, or one similar to it, and for the replicability of the approach in other countries of the Pacific.

5. SCOPE AND FOCUS

The evaluation will cover development and implementation of the project since its inception in 2008 to present in three countries of Fiji, Kiribati and Vanuatu. The evaluation will also cover project implementation at both national and at selected sub-national level (locations to be determined), in each of the three countries. At least one outer island in each country should be covered.

6. EVALUATION PROCESSES AND METHODS

The evaluation will follow UNEG standards for evaluation which will guide and structure the evaluation and cover relevance, effectiveness, efficiency, impact and sustainability of the project.

It is anticipated that the consultant/institution will use a mixed methods approach to collect information and data for analysis. The proposed methods are:

i. Document Review: Desk review of existing project information including proposals, quarterly narrative and financial reports, consultant reports, SOPs and training materials, and databases developed as a result of the project. Also review international guidelines and national legislation, policies and guidance, particularly those developed as a result of UNICEF programming. This method will be employed in the Preparatory Phase (see Proposed Timeframe).

ii. Interviews with Key Informants: During the Preparatory Phase, guiding questions will be developed by the consultant/institution for interviews with key informants including, but not limited to, police at national and sub-national level including police Commanders, staff in police training colleagues and front line police; child protection service providers such as social welfare, justice offices and relevant NGOs/CBOs; UNICEF program staff; and children and families that have been in contact with police related to child protection concerns. Children and families to be interviewed will be identified with police and social welfare and confidentiality and principle of 'do no harm' shall be strictly maintained throughout the process of identification, contact and reporting. The guiding questions and a draft schedule of interviews will be included in the Inception Report. Interviews will be conducted during the Data Collection Phase. Interview transcripts or summary notes (if interviews are confidential) will be annexed to the Final Report submitted to UNICEF.

iii. Focus Groups with service providers and beneficiaries: During the Preparatory Phase, guiding questions and a draft schedule will also be prepared for focus group discussions. The focus groups will enhance the understanding gained during key informant interviews and provide an additional method to cross-reference information particularly amongst both direct and indirect project beneficiaries. The beneficiaries will include police, parents, children, and community members. The focus group discussions will be conducted during the Data Collection Phase. Focus group transcripts or summary notes (if focus groups are confidential) will be annexed to the Final Report submitted to UNICEF.

iv. Survey with service providers: The survey will focus on both police that have participated in capacity building and other service providers that work with the police. The survey questions and scope of the survey will be developed and presented in the inception report. Survey results will assist in validating findings from other methods.

7. TRANSPARENT BENCHMARKS AND COMPARISONS

For all comparisons, and in all discussions of the key questions, the consultant/institution shall use clear and transparent criteria as to what constitutes a standard met and what is to be considered as a not met standard. Reference should be made to the indicators in the country child protection baseline reports and where possible progress measured against the relevant indicators for purposes of comparison and assessing progress. The evaluation should emphasize constructive recommendations and avoid subjective, critical impressions. Where possible, the evaluation should utilize both qualitative and quantitative indicators.

8. ETHICAL ISSUES

The evaluation covers information that is sensitive and confidential, while the consultant(s) may also have direct contact with children as informants. To this end, consultant proposals must include identifying anticipated or actual ethical issues during the evaluation process as well as the measures and methods anticipated or adopted to address or mitigate against these issues in compliance with UNICEF Procedure for Ethical Standards in Research, Evaluation, data Collection and Analysis. Processes for ethical review and oversight of evaluation/data collection methods must also be detailed. Full compliance with all its provisions will be required. The consultant(s) will also adhere to the UNEG norms and standards.

In addition, the consultant/institution may have access to data on specific child protection cases in which case the confidentiality of the individuals concerned and the case details must be respected and maintained. Within the consultant/institutions reports, individuals involved in child protection cases should not be identifiable directly or indirectly. Care should be taken when reporting statements or interviews. Informed consent must be obtained for any interview conducted with children and family members using UNICEF standard forms.

All informants will be offered the option of confidentiality, for all methods used. Dissemination or exposure of results and of any interim products must follow the rules agreed upon in the contract. Unauthorized disclosure is prohibited. Any sensitive issues or concerns should be raised with UNICEF as soon as they are identified.

9. EVALUATION PRODUCTS

Written documents to be submitted to UNICEF in soft copy.

Inception report: Detailed evaluation methodology including timeframe, key questions, the stakeholders to be involved, results of desk review and a draft table of contents for the final evaluation report. This shall be submitted within the first two weeks of the evaluation and be presented to UNICEF for review and feedback, and its subsequent approval

Draft of final evaluation report and presentation of initial findings to UNICEF Pacific and key stakeholders including representatives from the three police forces (Fiji, Kiribati and Vanuatu) and representative from the Department of Foreign Affairs and Trade Australia (donor): A package including the first draft of the final report for comment and a review meeting including PowerPoint presentation summarizing the evaluation process and initial findings. This will occur at the end of the second week of the Analysis and Reporting Phase (week 10) and may be done remotely via video link if most cost effective and convenient.

Final evaluation report: The final report should include:

- Executive Summary;
- Detailed description of methodology, including an outline of the process of the evaluation in the Annexes;
- Analysis of data, with country specificities that address each of the key evaluation questions and which are grouped under the headings of relevance, effectiveness, impact, efficiency, sustainability and cross-cutting issues;
- Conclusions;
- Recommendations;
- Annexes: To include among others, the TOR; work schedule; evaluation tools; list of places visited; records of interviews and focus group discussions.

Recommendations should be SMART, firmly based on evidence and analysis, be relevant and realistic, and specify priorities for action and by whom action should be taken (UNICEF, donors, governments).

10. LOCATION

The desk review and selected interviews (via telephone/skype/email) can take place from consultant/institutions place of residence. Meetings with relevant stakeholders and data collection processes will take place in Fiji, Kiribati and Vanuatu, including at sub-national levels (locations to be identified) during the Data Collection phase. The review meeting and presentation of the draft final report should occur in Suva.

11. MANAGEMENT/RESPONSIBILITIES

Consultant/Institution

- In close collaboration with UNICEF child protection section, the selected consultant/institution will have the overall responsibility for organizing and conducting the evaluation, to include: overview of the existing documentation and proposing as evaluation methodology and data collection tools; manage the process of interviews, focus group discussions, review of project documents to ensure that sufficient information is gathered to make as informed assessment in line with the evaluation's objectives; provide qualitative and quantitative data analysis and recommendations.
- The selected consultant/ institution must clearly identify any potential ethical issues and approaches, as well as the processes for ethical review and oversight of the evaluation process including data collection in their proposal.
- Throughout the evaluation process, the consultant/institution will be responsible for ensuring the quality of the data collected as well as ensuring that all data collection activities are in compliance with ethical standards applicable to researching, documenting and evaluating programmes. The consultant/institution will also be responsible for ensuring deliverables are completed on time.
- The selected consultant/institution will be responsible for all logistical arrangements, including travel, accommodation, equipment to be used throughout the evaluation, and workspace.

UNICEF

- The evaluation contract shall be signed between UNICEF and the selected consultant/institution
- The Child Protection section, shall provide the necessary technical assistance and financial support in the conduct of the evaluation
- The Child Protection section shall oversee and supervise the contract of the consultant/institution
- Deputy Representative's Office and M&E unit shall monitor the evaluation process and implementation of the evaluation on UNICEF behalf ensuring that the evaluation is undertaken in accordance with UNICEF Procedures on the arrangement of evaluation as well as including

12. PROPOSED TIMEFRAME

The evaluation consultancy shall be 63 working days over a period of 73 working days commencing 03 August and ending 10 November 2015. The consultant/institution will provide a detailed work plan with indicative breakdown of days by end of first week of consultancy.

Week	Activities	Deliverable
Week 1 - 2	Preparatory Phase - Desk review - Design of methodology - Preparation of field visits - Development of data collection tools - Submission of inception report - Presentation and discussions with UNICEF	Inception report including: Schedule of key informant interviews; methodology; country visit schedule; and table of contents for the report submitted.
Week 3 - 8	Data Collection Phase - Field visits x 3 countries - Consultation meetings, interviews, focus group discussions etc.	Draft final evaluation report submitted. PowerPoint presentation submitted and review meeting presenting initial findings held.
Week 8 - 14 (includes 10 day period for UNICEF review and comments on draft report)	Analysis and Reporting Phase - Quantitative and qualitative analysis of data - Presentation of initial findings - Submission of draft report - Submission of final report	Final evaluation report submitted.

13. OFFICIAL TRAVEL

Travel to Fiji, Kiribati and Vanuatu including travel to one sub-national location in each country will be expected. Travel costs and travel allowance should be included in the overall cost of the contract.

Appendix 2: Evaluation assessment matrix

Matrix of Evaluation Criteria - Police Capacity Development in Fiji, Kiribati and Vanuatu

Relevant evaluation criteria	Key questions	Specific sub-questions	Data Sources	Data collection methods	Indicators/success standards ⁵⁷	Methods for data analysis
Relevance	<p>To what extent are the police capacity development activities aligned with the CRC, national policies and priorities for child protection and the priorities of families and communities?</p> <p>To what extent have the planned police capacity development activities been developed to fit the cultural context and feasible in the social, political and geographical context?</p> <p>To what extent does the police capacity development for Child</p>	<p>What legislative and regulatory changes necessary to developing new, or revising existing, child protection policies, practices and guidelines to bring the system in line with international standards have been made?</p> <p>What steps were taken to adapt capacity development activities to local needs and context?</p>	<p>2008 Baseline Reports</p> <p>Annual and multiyear national Programme work plans as they relate to Police capacity development</p> <p>Police child protection policies (CPP) and standard operating procedures (SOPs), guides & checklists, training materials</p> <p>Police monitoring & accountability systems</p> <p>Research reports commissioned for planning purposes</p> <p>Key informants⁵⁸</p>	<p>Key informant interviews & focus groups</p> <p>Review of police materials produced as a result of capacity development activities (work plans, SOPs, training materials)</p> <p>Review of documentation related to processes for development of police capacity development activities e.g. how developed, who participated and was, consulted, prioritisation etc.</p>	<p>National child protection legislation has been enacted that aligns with the CRC.</p> <p>Police CPP and SOPs align with the CRC.</p> <p>The development of police CPP and SOPs was a consultative process that took into consideration local conditions, concerns and cultural context.</p> <p>Police internal capacity was developed to take child protection and CRC principles into account when developing SOPs, guides, training material etc</p> <p>Police capacity development activities (as components of national work plans) are reflective of local context; relate to</p>	<p>Qualitative analysis of child protection law against the criteria set out in the 2008 baseline report as it relates to Police practices</p> <p>Qualitative assessment of work plan development and final plan.</p>

⁵⁷ Indicators draw heavily on those developed in the 2008 baseline reports.

⁵⁸ Key Informants include police (managers, specialist units such as juvenile justice and child abuse/sexual abuse units, frontline staff, training managers and training staff), government and non-government agencies who participate in child protection system (and domestic violence), civil society organisations, faith-based organisations, community representatives, donors, regional police programme personnel.

	Protection inform or impact in any way Pacific Regional Policing initiatives?				activities of other child protection stakeholders; and reflect human rights/gender/disability considerations	
Effectiveness	To what extent have the planned police capacity development activities led to or contributed towards achieving the programme outcomes?	<p>To what extent do child victims/witnesses of violence, abuse or exploitation and children in conflict with the law, and their families, report appropriate handling of their case by police?</p> <p>To what extent do police (at all levels and by gender) report feeling more competent to respond appropriately to child victims/witnesses of violence, abuse or exploitation and children in conflict with the law?</p>	<p>Child victims/witnesses, parent/ caregiver</p> <p>Children in conflict with the law</p> <p>Key informants</p> <p>NGO evaluations of programmes</p> <p>Police information in relation to child protection: - SOPs, guides etc - narrative and monitoring reports - training reports & evaluations - statistics (including Child Register)</p>	<p>Interviews with child victims and parent/caregiver</p> <p>Focus group activities with children in conflict with the law (segregated by age and gender)</p> <p>Key informant interviews and focus groups</p> <p>Review of Police policy, procedures, monitoring information in regards to child protection</p> <p>Analysis of Police statistics if available</p>	<p>No Drop policy in place and evidence of implementation</p> <p>Police diversion policy & SOPs in place and evidence of implementation</p> <p>MOU in place with agencies to refer children and evidence of implementation</p> <p>Child victims/witness and Juvenile offenders (by gender, age, ethnicity etc) are handled in accordance with Police SOPs and guidelines.</p> <p>Evidence of disaggregated data collection(age, gender, ethnicity), analysis and use by Police</p>	<p>Qualitative analysis of what CPP and SOPs are in place</p> <p>Qualitative analysis of focus group/interview data using evaluation indicators to identify how the CPP and SOPs are being implemented</p> <p>Quantitative/qualitative assessment of police narrative & monitoring reports by age/gender/ethnicity if data available</p> <p>Descriptive statistical analysis of Police statistics by age/gender/ethnicity if data available</p>
Sustainability	To what extent have police capacity development activities contributed to the strengthening and institutionalisation of child protection systems in the police organisations of Fiji/Vanuatu/Kiribati?	<p>Have the police capacity development activities resulted in strengthened capability of specialist units responding to children as victims/witnesses and children in conflict with the law?</p> <p>Have the police allocated</p>	<p>Key informants</p> <p>NGO programme evaluations</p> <p>Police information in relation to child protection: - SOPs, guides etc - narrative and monitoring reports</p>	<p>Key informant interviews and focus groups</p> <p>Review of police policy, procedures, monitoring information in regards to child protection</p> <p>Analysis of police statistics if available</p>	<p>Evidence of Police supervision, monitoring and accountability systems for implementing child protection in place and being utilised</p> <p>Proportion of police (male/female; urban/rural) who report training raised their awareness of child</p>	<p>Qualitative analysis with focus group discussions with front line police, their managers, those responsible for police training (recruits and refresher) and staff in specialist units</p> <p>Qualitative analysis of key informant interviews</p>

		<p>dedicated resourcing and personnel to child protection in their budgets?</p> <p>Have police developed relevant guidance (SOPs, pocket guides etc) in light of new or revised legislation or regulations that reflect international child protection standards?</p> <p>Do police have supervision, monitoring, and accountability systems in place to monitor the implementation of child protection policies?</p> <p>Do police have in place all the necessary MOUs with relevant agencies to ensure effective coordination of child protection actors? (e.g. referral protocols)</p> <p>Is information on child protection embedded in all relevant training manuals for new recruits and regularly provided to existing frontline police and specialist units?</p> <p>Are credible statistics available on child victims/witnesses and children in conflict with the law by age, gender,</p>	<p>- training reports & evaluations - statistics (including Child Register)</p> <p>Policies relating to Police monitoring & accountability systems</p>		<p>rights and the need for an effective child protection system and who feel they have been provided the training necessary to fill their role</p> <p>Whether MOUs for the national child protection policy and coordination of the child protection system are developed and are being implemented.</p>	<p>and focus groups with other stakeholders</p> <p>Analysis of training manuals and plans</p> <p>Review and analysis of police records, systems for generating police statistics and the use of statistics to inform planning if available</p>
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		ethnicity and location? Are these statistics used to inform planning on child protection systems and training for police?				
Efficiency	To what extent do national police and other stakeholders consider the police capacity development programme provides value for money?	Does the police capacity development programme provide capacity development activities that cannot be accessed within country? How could efficiency be improved?	Key informants Narrative reports on police capacity development activities NGO programme evaluations	Focus group discussions Key informant interviews	Key informants consider the programme operates efficiently.	Qualitative analysis of key informant interviews.
Impact	To what extent have police capacity development activities positively impacted the lives of child victims/witnesses and child offenders?	To what extent do child victims/ witnesses of violence, abuse or exploitation and children in conflict with the law report appropriate handling of their case by police?	Child victims and parent/ caregiver Children in conflict with the law Key informants NGO programme evaluations Police reports and statistics	Interviews with child victims and parent/caregiver Focus group activities with children in conflict with the law (segregated by age and gender) Key informant interviews and focus groups	Proportion child victims/witnesses and children in conflict with the law (by gender, ethnicity etc), and their families, who report being provided appropriate protection and support in their dealings with police	Qualitative analysis of focus group/interview data Qualitative analysis of NGO evaluations
Human Rights/Gender	To what extent have human rights and gender been both mainstreamed in police capacity development work plans and activities and covered in targeted activities?	Is there a broad and inclusive planning process for identifying and prioritizing areas for capacity development that ensures that the views of women and men, girls and boys and minority groups are actively sought and their input is recognised and incorporated? What efforts are made to	Key informants Training and narrative plans and reports from government ministries, departments and police	Key informant interviews Analysis of workforce planning and training plans and narrative reporting by government ministries and departments	Training in human rights for duty bearers is compulsory for all government employees and police on initial employment and refresher training offered regularly. Specialist training is offered for managers with responsibility for ensuring that all government programmes are delivered without unfair	Qualitative/quantitative analysis of statistical and narrative reports from government ministries, departments and police where available Qualitative analysis of key informant interviews

		<p>ensure that the national police force is representative of the community it serves?</p> <p>Is comprehensive human rights training provided to government employees on how to assess programme development and delivery to ensure that no individuals, groups or communities are denied access or services based on unfair discrimination by age, gender, ethnicity, disability, religion or any other prohibited ground?</p> <p>To what extent are accommodations in place for children with disabilities?</p>			<p>discrimination to all citizens</p> <p>Managers are held to account in performance agreements for ensuring human rights assessments are conducted prior to government or government-funded programmes being rolled out and are regularly assessed to ensure that programmes comply with international human rights standards to which the country is a signatory</p>	
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Appendix 3: Vanuatu - background to Government/UNICEF joint programme on police capacity development for child protection

The Vanuatu Police Force (VPF) developed a CPP and related SOPs in response to the findings and recommendations of the UNICEF 2008 baseline report,⁵⁹ which built in turn on extensive work on the elimination of violence against women and children that began with the signing of international human rights conventions in the early 1990s.⁶⁰ Overall findings of the 2008 baseline report were:

- The vast majority of child justice matters are dealt with at the community level through traditional or family justice mechanisms in part because of the limited police presence in many areas. This gives rise to the need for formal recognition of these processes and regulation to ensure compliance with child rights.
- While the numbers of child offenders dealt with by police are small, all those juvenile offenders interviewed reported threats of physical violence to extract a confession. Others reported verbal abuse, humiliation, food deprivation, and being detained well beyond the 24 hours permitted before attending court.
- Despite sexual abuse being the most common alleged offence reported⁶¹, there is no special process or unit for victims of abuse and sexual crimes. The Family Response Unit is under-resourced and there is little consistency in the way sexual assault cases are handled with some being dismissed with a mere warning and/or referred to traditional processes leaving the victim relatively powerless as matters are resolved at the family level.

On legislation and policy for child protection, the report noted:

- The lack of legislative provision or policy framework for child welfare/protection, specifying rights, powers and responsibilities of government services, the courts, traditional authorities, parents and children, and which defines forms of abuse.
- The lack of adoption law, and only limited regulation of alternative care and provision for children's rights in family separation cases, partly because extended family relations take responsibility.

With regard to the extent to which those with responsibility for dealing with child victims of abuse and exploitation, or children in conflict with the law, adhere to operational judicial procedures and practices and do so in a timely manner, the report found that:

- The majority of matters concerning child offenders are addressed at community level, using traditional mechanisms.
- The needs of child victims/survivors are also addressed at community level (mostly with counselling).
- Police training for handling victims/survivors is nearly non-existent but child witnesses report a positive experience with police regardless.

⁵⁹ Kanas, B, Norton, A., Tarileo, B., Wernham, M. (2009) Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Vanuatu. UNICEF Pacific

⁶⁰ For conventions signed by Vanuatu See http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

⁶¹ This is confirmed by police statistics for 2009-2011 (United Nations. 2015. Core Common core documents forming part of the reporting of state parties: Vanuatu. HRI/CORE/VUT/2. 19 February 2015, p, 35)

- Of the juvenile cases that the police do deal with, they divert 95% back to the community. However, while in custody, children in conflict with the law report being held in unsanitary conditions and that police use threats and violence to extract a confession.
- Courts and public prosecutors lack child-friendly procedures, although some lawyers and the Department of Police Prosecutions (DPP) have received training in children's rights.⁶²

Recommendations for police and other agencies for strengthening the child protection system included:

- Establish interagency protocols between child protection agencies for responding to reports of child abuse, neglect, or exploitation, and for referral and interagency cooperation in cases of children in conflict with the law. The protocol should be widely disseminated and implemented with appropriate training.
- Create a minimalist child protection act that empowers government agencies to undertake crisis intervention with provision for judicial review of actions. The legislation should be supported by a comprehensive training process for all implementing agencies and departments, and be supported by clear internal and interagency protocols, policies and guidelines.

Further recommendations focused on realising the potential of the newly gazetted Family Protection Act 2008; developing child-friendly investigative and court processes; rehabilitation programmes for juveniles, victims, witnesses and offenders and a "No Drop" policy to restrict the use of police and prosecutorial discretion to drop charges in cases of abuse and assault against women and children; and developing a police policy for handling juvenile offenders. Recommendations were also made for establishing a child-friendly independent complaints mechanism, and mechanisms for collecting disaggregated data on children in contact with the law and the wider child protection system.

More detailed recommendations regarding the professional handling of child protection cases were made directly to police or in combination with other agencies working in child protection. For police, these included the need to develop a diversion policy for juvenile offenders in collaboration with government and non-government organisations; amendment of the "No Drop" policy to cover situations in which key witnesses withdraw due to pressure and police end the investigation; developing a policy to ensure victims/survivors with disabilities are provided the necessary support; and addressing police impunity.

Joint Government/UNICEF planning for police capacity development for child protection

Joint UNICEF/Government of Vanuatu National Child Protection Programme work plans were prepared collaboratively by the implementing partners: the Ministry of Justice and Community Service, the Ministry of Education, the Ministry of Internal Affairs, the Ministry of Health and UNICEF on annual basis for 2009 and 2010 and then biennially between 2011 and 2016. Some NGO partners were included from 2011/12.

The focus of activities in 2009 was the development of manuals and training for the Criminal Investigation Division (CID) and the Family Protection Unit (FPU); developing a strategy for diversion

⁶² Detailed reporting on the findings can be found in the 2008 Vanuatu baseline report pages 47-63 and 64-75 respectively.

for police and the judiciary, and No Drop Policies for magistrates and police. A reference manual for child-friendly court procedures and training for magistrates and police was included along with a training package for all professionals involved in the child protection system.

Many of the same activities are repeated in 2010, with the addition of MOUs to improve coordination. It is not clear if a child-friendly court procedures bench book was developed in 2009 and a similar resource for Island Courts is planned, or the need for Island Courts to have the same is simply being noted. In 2010 the development of resource material and training for relevant police officers on child protection in emergencies was added. The Most Significant Change, a participatory evaluation method used to assess progress in programme implementation, is also introduced.

Biennial programming is introduced in 2011/12 but the emphasis remains the same, namely the finalization of policy and procedures for young offenders and victims/witnesses and diversion and alternative sentencing options plus training to support implementation. The FPU is tagged for strengthening and an emphasis placed on data collection and use for strategic and operational planning with regard to child protection.

The activities are repeated in 2013/14 though the emphasis on training staff in the CID and FPU on child protection is gone. Greater emphasis is given to training government agencies, police and other stakeholders on child protection in emergencies.

The 2015/16 work-plan has only two activities. The first is to review or evaluate UNICEF's support for training of VPF personnel on police guidelines for young people in contact with the law. It also includes plans for the VPF to identify and prioritize two recommendations from a planned evaluation of the implementation of the VPF CPP and SOPs.

Progress to date

The FPU, established within the VPF in 1995 to deal with and investigate reports of domestic violence, was strengthened with the passing of the Family Protection (FP) Act of 2008.⁶³ The Act was the result of strong and consistent advocacy by the Vanuatu Women's Centre, other civil society actors, and the Ombudsman's Office. However, its development was fraught and, once passed, there were significant tensions around implementation with it was challenged as unconstitutional in the Supreme Court.⁶³ The work of the Office was curtailed by the failure to reappoint the incumbent.⁶⁴

FPU's are now established in each of four provinces but outreach to rural areas remains limited. Between 2011 and 2012, FPU's reported an increase in the number of cases from 77 to 2,010 with the rise attributed to awareness programmes provided by police and the Department of Women's Affairs.⁶⁵ However, while children are referenced in the FP Act with regard to maintenance and custody, it provides no statutory or judicial obligations on police when dealing with young people. This raises the question of the extent to which composite laws intended to address family and social

⁶³ Elizabeth Adamson, Susan Benjamin, Christopher Deeming, Bina Gubhaju and Peter Whiteford (n.d.) Child Poverty and Disparity in Vanuatu. Social Policy Research Centre (SPRC): University of New South Wales, Sydney http://www.paclii.org/cgi-bin/disp.pl/vu/legis/num_act/fpa2008206/fpa2008206.html?query=fpa2008206

⁶⁴ Commonwealth Human Rights Initiative. 2005. Police Accountability: Too Important to Neglect, Too Urgent to Delay. A report of the International Advisory Commission of the Commonwealth Human Rights Initiative. http://www.humanrightsinitiative.org/publications/chogm/chogm_2005/chogm_2005_full_report.pdf

⁶⁵ United Nations Human Rights Council. 2014. Report of the Working Group on the Universal Periodic Review A/HRC/26/9 4 April 2014.

protection best afford children protection or whether specific child-focused legislation is more effective, or if a mix of the two is necessary.

In 2011, the VPF developed and implemented a CPP and SOPs aligned with international standards, which were revised in 2012.⁶⁶ The procedures provide guidance on the application of two policies. The first relates to handling young persons who are in conflict with the law; the second involves police responses when handling young persons who are either victims of or witnesses to crimes and other incidents of abuse and neglect. In the same year, the government introduced minimum standards for Primary Schools, which bans corporal punishment.⁶⁷ The Vanuatu Council of Churches has developed a child protection policy though it is yet to be published and reporting is still to be tested. A revised draft of the 2011-14 Vanuatu National Policy on Children is awaiting sign-off. A National Children's Committee and a National Child Protection Working Group exist but meet irregularly.

Despite gains in the area of child protection much remains to be done. In response to Vanuatu's first CRC report in 1999, the Committee on the Rights of the Child expressed concern that domestic legislation and customary law did not reflect the principles and provisions of the CRC, and encouraged Vanuatu to review and bring domestic legislations into conformity with the Convention. Areas of concern included the inadequacy of the juvenile justice system and discrimination with regard to the minimum legal age of marriage for girls (16 years) and boys (18 years).

In 2008, the UNICEF baseline report again recommended a simple and minimalist Child Protection Act that empowers government agencies to undertake crisis intervention, with provision for judicial review of actions, and a comprehensive Young Offenders Act addressing all stages of the criminal process and applying to all levels of courts, which all remain outstanding. Recommendations related to concerns about the age of criminal responsibility⁶⁸ and the age at which children can be taken into custody⁶⁹ are also outstanding.

⁶⁶ Vanuatu Police Force. 2011. Standard Operating Procedures: Investigations Involving Children and Youth. August 2011 (Revised June 2012). Developed with the Support of UNICEF.

⁶⁷ Ministry of Education, 2011. Vanuatu Minimum Quality Standards for Primary Schools. http://www.unicef.org/pacificislands/UNICEF__VANUATU_MINIMUM_QUALITY_STANDARDS_FOR_PRIMARY_SCHOOLS_1.pdf

⁶⁸ In Vanuatu, no person can be held criminally responsible for an offence allegedly committed while under the age of 10. A child older than 10 but younger than 14 is presumed incapable of committing a criminal offence unless "[he or she] was able to distinguish between right and wrong and .. did so with respect to the offence with which [he or she] is charged." A male person under the age of 12 is considered incapable of having sexual intercourse, a provision which prevents the prosecution of younger boys for certain sexual offences. See <https://www.crin.org/en/home/campaigns/inhuman-sentencing/problem/life-imprisonment/life-imprisonment-children-oceania>.

⁶⁹ Imprisonment of minors (1) No person under 16 years of age shall be sentenced to imprisonment unless no other method of punishment is appropriate. Where any such person is sentenced to imprisonment, the court shall give its reason for so sentencing. (2) An offender under the age of 16 years shall serve a sentence of imprisonment in a special establishment or, if no such establishment exists, shall be separated from offenders of 16 years of age and over. See http://www.wipo.int/wipolex/en/text.jsp?file_id=198052#LinkTarget_640
