

NATIONAL LAW & JUSTICE POLICY 2025 - 2035



“Building Peaceful and Prosperous Communities Together”



LAND COMMISSION OF PNG



OFFICE OF THE PUBLIC PROSECUTOR



NATIONAL JUDICIAL STAFF SERVICE



PAPUA NEW GUINEA DEFENCE FORCE



DEPARTMENT OF NATIONAL PLANNING AND MONITORING



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LAW AND JUSTICE POLICY

2025-2035

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Minister's Foreword



It gives me great pleasure as the Minister for Justice and the Deputy Chair of the Ministerial Committee on Administrative Sector, former Social, Law and Order Sector (SLOS), to introduce the national Law and Justice Policy 2025 to 2035.

I acknowledge my fellow Ministers on the Ministerial Administrative Sector Committee that have given me the honour to launch this Policy on behalf of the Law and Justice Sector namely: Honourable Peter Tsiamalili Junior, MP, Minister for Police; Honourable Jason Peter MP, Minister for Community Development, Youth and Religion; and Minister for Defence, Honourable Dr. Billy Joseph, MP. I also acknowledge the

Parliamentary Committee on Law and Order under the Chairmanship of Honourable William Bando, MP, and hope that we can work together in supporting the implementation of this Policy.

The Marape-Rosso Government has adopted law and order as its top priority. I want to thank the Marape-Rosso Government for supporting the Law and Justice Sector with a significant increase in its budget for 2023 and 2024. This sends a strong message that the government of the day is committed to ensuring community safety, peace and justice throughout the country.

This Policy replaces the 2007 White Paper on Law and Justice in Papua New Guinea. It aims to achieve the goals outlined in the Vision 2050, the PNG Development Strategic Plan and the Medium-Term Development Plan IV by outlining a vision for the Law and Justice Sector and identifying key objectives at both national and sub-national levels.

The Policy's key objectives are focussed on improving the delivery of law and justice services; improved access to justice; improved crime prevention and community safety; improved criminal justice outcomes and integration of the informal justice system into the Sector; address corruption and support national security.

The Policy promotes inclusion of women and people with disabilities across the Sector in relation to both the provision of and access to justice services. The Policy also mandates a sector-wide approach to decision-making to coordinate Sector activities and budget submissions and facilitate easier reporting across agencies. Sitting underneath the Law and Justice Policy, the Sector Strategic Framework summarises the objectives and strategies outlined in the Policy, and it is the practical implementation framework for the Policy.

I am pleased to say that our country has a functioning legal and justice system, which is reflected in the investigations, prosecutions, convictions, and other legal and justice services being provided. Our challenge lies in the areas that we need to improve on through appropriate capacity building, institutional strengthening, collaboration and resource sharing. I therefore challenge the Law and Justice Sector agencies to, not only deliver but, take time to measure their performance through a robust monitoring and evaluation system. The government must know if its investment is contributing towards the country's Sustainable Development Goals and the reduction of crime and violence.

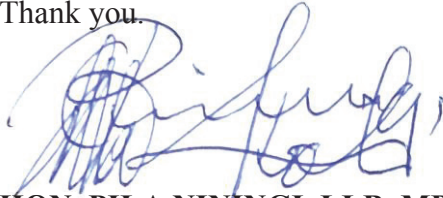
I commend the Law and Justice Sector for its continuous collaboration and encourage the National Coordinating Mechanism (NCM) leaders to be supportive of each other. This Policy is a testament of the desire to collaborate across the 16 independent organisations within the Law and Justice Sector. Most of all, through this Policy, the Sector anticipates better responses

and results in achieving its targets in preventing and reducing crime and violence, disrupting corrupt practices and increasing access and outcomes for legal and justice services.

I wish to thank the NCM and the respective officers in the Law and Justice Sector, as well as the PNG Australia Partnership for the technical and funding support toward the consultations, drafting and finalisation of this Policy framework for the Law and Justice Sector.

It is therefore with great pleasure that I commend the National Law and Justice Policy 2025 to 2035 to government.

Thank you.

A handwritten signature in blue ink, appearing to read 'Pila Niningi', is positioned above the printed name.

HON. PILA NININGI, LLB, MP

Minister for Justice & Attorney General

Statement by NCM Chair



As Chair of the National Coordinating Mechanism for the Law and Justice Sector and Secretary for the Department of Justice and Attorney General, I am honoured to present the new ten-year Law and Justice Policy.

This document provides the strategic direction for the Sector and addresses key objectives to improve the delivery of law and justice services, access to justice, crime prevention and community safety; improve criminal justice outcomes and integrate the informal justice system into the Sector; address corruption and support national security.

The success of this Policy will depend largely on the partnerships of the Sector and our commitment to implementation to address the many significant challenges we face. I therefore acknowledge the support from members of the NCM in both developing and implementing this Policy as we move forward together.

I want to acknowledge the contributions our predecessors have made to the Sector and the country. We carry the torch of the Rule of Law because of their effort. I pray and hope that the leaders that come after us will strive to do better and position our country as one of the safest and most peaceful in the region and world.

I extend my deepest gratitude to the dedicated team whose commitment brought this comprehensive Policy to fruition. The Policy development process involved wide consultation with stakeholders across government and civil society and those contributions guided the development of this document.

The Department of Justice and Attorney General will continue to provide leadership and coordination through the NCM, Administrative Sector formerly Social Law and Order Sector (SLOS) and Law and Justice Sector Secretariat (LJSS). This is important to ensure that we do not lose sight of the aim of the Policy as we work together to achieve prosperous and peaceful communities.

Our leadership is committed to the full implementation of this roadmap, aimed at fostering a just, safe and secure society for all Papua New Guineans.

God Bless Papua New Guinea.

A handwritten signature in blue ink, appearing to read 'Eric Kwa'.

DR. ERIC KWA, PHD

Secretary, Department of Justice and Attorney General
Chair, National Coordinating Mechanism

Executive Summary

On 30 September 2021, the NCM, on behalf of the Law and Justice Sector, resolved to replace the 2007 White Paper on Law and Justice in PNG with a policy that conforms to the government's national policy and planning framework and aligns with the government's development aspirations and Sector priorities for the next decade.

The Law and Justice Sector comprises of the following agencies:

1. Constitutional and Law Reform Commission (CLRC),
2. Correctional Services (CS),
3. Department for Community Development and Religion (DfCDR),
4. Department of Defence (DoD),
5. Department of Justice and Attorney-General (DJAG),
6. Department of National Planning Monitoring (DNPM),
7. Independent Commission Against Corruption (ICAC),
8. Land Commission of Papua New Guinea (LC PNG),
9. Magisterial Services (MS),
10. National Judicial Staff Services (NJSS),
11. Office of the Public Prosecutor (OPP),
12. Office of the Public Solicitor (OPS),
13. Ombudsman Commission (OC),
14. Royal Papua New Guinea Constabulary (RPNGC)
15. National Narcotics Bureau (NNB), and
16. Legal Training Institute (LTI).

The Law and Justice Policy 2025 to 2035 is the key policy framework for the Law and Justice Sector that supports existing policies that deal with operational and institutional matters. This Policy also sets the foundation and desired outcomes to guide institutional and corporate planning, budgeting, performance monitoring and reporting.

This Policy has six objectives:

1. Improved delivery of law and justice services;
2. Improved access to justice and just results;
3. Improved crime prevention and community safety;
4. Improved criminal justice outcomes and integrated informal system;
5. Improved accountability and reduced corruption; and
6. Improved support for national security initiatives.

These objectives are interrelated and will be delivered through various strategies shared across the Sector. From those strategies stated in the Sector Strategic Framework (SSF), there are several specific outcomes listed as measures that will guide and assist the Sector to develop

specific activities to be carried out by individual Sector agencies. These deliverables are to be found in the respective Sector agency corporate plans or Sector policies. In turn, the Sector performance under this Policy will be measured through the overarching Sector Performance Monitoring Framework (PMF).

This Policy will:

1. Introduce new or refine existing strategies;
2. Remove institutional or systemic barriers;
3. Strengthen connectivity with other sectors;
4. Save costs and reduce government expenditure;
5. Embed matters of national importance;
6. Empower citizens to contribute meaningfully to peaceful living;
7. Focus on the welfare and wellbeing of Sector human resources;
8. Integrate Sector policies and add value to them;
9. Reflect societal trends and growth; and
10. Realign the Sector budget and ensure succession and mentorship.

The Sector staff, including judicial officials, stands at **30,909** with an average increase of **30%** in the ceiling of judicial officials, lawyers, and justice officials. A representation of the Sector staffing is as follows:

Table 1: Sector Staff Overview

Agency	Staff on Strength	Ceiling
CLRC	33	73
Correctional Services	1,500	2,700
DfCDR	109	279
Department of Defence	NA	NA
DJAG	21,015	
1. Lawyers/Justice Officials/Staff	1,111	
2. Village Court Officials	18,480	22,000
3. Land Mediators	1,424	1,500
ICAC	23	154
Lands Commission of PNG	22	44
LTI	47	77
Magisterial Services	470	617
NJSS	1,184	1,271
Judges	45	60
NNB	101	200
Office of the Public Prosecutor	87	152
Office of the Public Solicitor	172	210
Ombudsman Commission	172	210
RPNGC	6,277	8,929
Uniform	5,932	8,439
Non-Uniform	345	489

Whilst the Sector focus is on increasing access to Village Courts Services under this Policy, government action is also required to ensure the full complement of the 18,480 Village Court Officials, based in 1,860 Village Court areas; and 1,424 Land Mediators of the 356 Land Mediation areas, are funded and therefore on the Government's Payroll System.

This Village Courts and Land Mediators projections are based on the Village Court Policy 2020-2030. The Village Courts officials' estimates is based on having 2000 Village Court areas, each having 11 officials. It is further estimated that 10 new Districts will be created with two (2) new Local Level Governments in each new District. The Land Mediators projections are therefore based on four (4) Land Mediators per Local-level Government.

The Sector's current budget and future forecasts, in light of law reforms, institutional adjustments, and establishment of new entities is represented as follows:

Table 2: 2023 Sector Budget and Future Forecasts

Agency	Appropriation	Projection			
	2023	2024	2025	2026	2027
CLRC	13,246,000	18,782,000	30,000,000	20,338,200	22,000,000
Correctional Services	174,642,300	203,904,600	216,017,200	230,733,400	
DfCDR	23,172,900	22,144,600	23,916,100	26,068,500	
Department of Defence	NA	NA	NA	NA	NA
DJAG	228,074,600	165,934,400	175,849,000	190,325,300	
ICAC	10,310,000	68,000,000	102,000,000	153,000,000	178,500,000
Land Commission of PNG	2,933,290	3,200,000	25,836,300	27,899,300	30,689,230
LTI	13,273,000	4,656,921	5,804,151	6,951,381	8,098,611
Magisterial Services	91,310,900	75,639,400	80,370,600	79,619,000	
NJSS	272,500,000	317,612,500	337,421,500	351,489,400	
NNB	2,393,500	2,393,500	14,000,000	15,000,000	17,000,000
Office of the Public Prosecutor	18,706,600	32,508,136	34,048,543	35,665,970	37,364,269
Office of the Public Solicitor	19,001,162	35,899,524	44,046,460	53,368,833	64,771,202
Ombudsman Commission	31,127,700	34,216,000	36,953,300	40,279,100	
RPNGC	549,742,000	567,700,000	687,700,000	709,700,000	-
Total Appropriation	1,528,376,400				
Total Projections					

The Sector budget is at the value of **K1.5 billion per annum** in delivering its mandate through Sector personnel, legislation, policies, committees, infrastructure projects such as police stations, court houses, Correctional Services institutions, and ICT capabilities.

A significant level of support towards the Sector budget and operations also comes from the various development partnerships arrangements. The Sector continues to receive support from the Australian Government through the Australia-Papua New Guinea Law and Justice Partnership (APLJ) and previously through the Justice Services and Stability for Development (JSS4D) Program; Australian Federal Police; Attorney-General's Department; Victorian and Queensland Bar Associations. The Sector also receives support from other development partnership arrangements such as the United Nations Development Program (UNDP), United Nations International Children's Emergency Fund (UNICEF) and Japan International Cooperation Agency (JICA). Recently, significant funding support has been allocated to the Sector for its key projects under the World Bank and the European Union, which will also be utilized to implement this Policy.

The SSF is an alignment of the Policy's objectives, measures, and activities. The implementation of the measures through institutional planning and organisation will lead the Sector towards achieving its targets.

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Acronyms

AML/CTF	Anti-Money Laundering and Counter Terrorism Financing
AROB	Autonomous Region of Bougainville
BLJCM	Bougainville Law and Justice Coordinating Mechanism
CACC	Central Agencies Coordinating Committee
CS	Correctional Services
CLRC	Constitutional and Law Reform Commission
DJAG	Department of Justice and Attorney General
DNPM	Department of National Planning and Monitoring
DSP	Development Strategic Plan 2010-2030
DfCDR	Department for Community Development and Religion
FSV	Family and Sexual Violence
GBV	Gender Based Violence
GEDSI	Gender Equality, Disability and Social Inclusion
GoPNG	Government of Papua New Guinea
ICAC	Independent Commission Against Corruption
ICCSDB	Integrated Criminal Case System Database
ICT	Information and Communication Technology
IECMS	Integrated Electronic Court Management System
JLSC	Judicial and Legal Services Commission
LLG	Local Level Government
LJSS	Law and Justice Sector Secretariat
LTI	Legal Training Institute
MS	Magisterial Services
MTDP	Medium-Term Development Plan
NEC	National Executive Council
NCM	National Coordinating Mechanism
NCPIP	National Criminal Process Improvement Project
NJSS	National Judicial Staff Services
NNB	National Narcotics Bureau
OC	Ombudsman Commission
OPP	Office of Public Prosecutor
OPS	Office of Public Solicitor
PACLI	Pacific Islands Legal Information Institute
PLLSMA	Provincial Local Level Service Monitoring Authority
PNG	Papua New Guinea
PNGCJE	Papua New Guinea Centre for Judicial Excellence
PNGDF	Papua New Guinea Defence Force
PNGLIN	Papua New Guinea Legal Information Network
RPNGC	Royal Papua New Guinea Constabulary
SARV	Sorcery-Accusation Related Violence
SARV NAP	Sorcery-Accusation Related Violence National Action Plan
SLOS	Social, Law and Order Sector
SLOSH	Social, Law and Order Sector (Departmental) Heads
SSF	Sector Strategic Framework

Definitions

“Indictable Offences” also referred to as crimes or serious offences in the *Criminal Code Act* 1974 which may be tried in the National Court. Under Section 21 of the *Interpretation Act* 1975, an indictable offence is either declared under the Criminal Code or an Act or is any offence that is punishable by imprisonment for more than 12 months.

“Corrupt conduct” is defined under the *Organic Law on the Independent Commission Against Corruption* 2020 and includes a public official dishonestly exercising or abusing official functions, exercising functions in a way that is not impartial, misusing information or obstructing the course of justice.

“Crime Prevention” any system, process, activity, or initiative intended to prevent or de-escalate opportunities for criminal behaviour.

“Fiduciary” a person or a company that acts for and on behalf of, and in the interest of another person or group especially with respect to legal rights and obligations.

“Judicial Officer” refers to a judge or a magistrate that exercises judicial power of the people under Section 158 of the *Constitution* in relation the National Judicial System.

“Justice” refers to the balance between a person’s rights and obligations toward others.

“Juvenile” is defined under the *Juvenile Justice Act* 2014 as a person who is, or in the absence of evidence to the contrary, appears to be ten years old or older, but less than 18 years old.

“Organized Crime” refers to criminal conduct committed by persons or companies especially for financial gain, acting together within the Government, Private Sector or the community and may involve one or more countries.

“Parole” is a decision made by the Parole Board under the *Parole Board Act* 1991 for prisoners who are eligible after serving a prescribed custodial sentence in a correctional facility to be released into their community.

“Probation” under Section 16 of the *Probation Act* 1991, for a person tried for an offence punishable by imprisonment, a Judge or Magistrate may impose a suspended sentence committing the offender to prison or defer sentencing the offender to imprisonment and release him or her on probation for a specified period, between six months and five years.

“Restorative” a process, especially informal in nature, by which an offender and a victim through the assistance of their respective communities agree to reconcile and live peacefully.

“Retributive” the form of penalties court orders or sentences that are intended to punish or penalize a person found guilty of committing an offence as opposed to rehabilitation which is to reform or change a person who has been found guilty of committing an offence.

“Summary Offences” the type of offences found under the *Summary Offences Act* 1977 that have a penalty of less than twelve (12) months that is ordered by a Magistrate

Chapter 1: Background

The key focus for the Sector is crime prevention, reduction in violence and increasing access to law and justice services. The Sector also supports the economic and social sector programs, which aim to improve the living standards of Papua New Guineans, as a means for sustainable peace and prosperity.

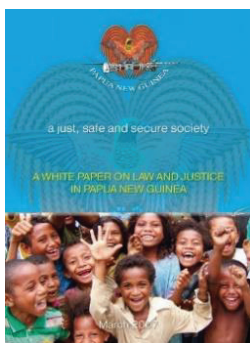
Poor access to legal and justice services, crime, violence, corruption, and other related law and justice issues has a significant impact on peace and prosperity. For Papua New Guinea (PNG), this impact is particularly acute for vulnerable persons including women, children, people with disabilities and those in rural communities. The Sector works with its partners to tackle these challenges and foster good governance, law and order, and an enabling environment for inclusive and sustainable growth. In this way, the Sector helps build safer communities and contributes to economic and social development. The government has identified law and justice as a key development priority for PNG, providing the strategic impetus for the Sector's operations.

The *Papua New Guinea Vision 2050* (Vision 2050) is a long-term strategy that seeks to map out the future direction of PNG and reflects the aspirations of our people. Vision 2050 notes that security, law and order remain major concerns that impede national development, and thus, seeks to ensure that all strategic plans and goals are supported and funded to maintain law and order.

The *Papua New Guinea Development Strategic Plan 2010-2030* (DSP) reinforces the fundamental directives required to advance PNG into a prosperous, middle-income country by 2030. It is directed and guided by the objectives of human development; equality and participation; national sovereignty and self-reliance; natural resources and environment; and PNG ways as envisaged under the *Constitution* of Papua New Guinea. The DSP seeks to translate the focus areas of the Vision 2050 into concise directions and policies with measurable targets and indicators, including to provide a 'safe, secure and stable environment for all citizens, visitors, communities and businesses to conduct their affairs freely.'

The *Medium-Term Development Plan IV* (MTDP IV) is a five-year development plan for the period 2023-2027. The MTDP IV's theme of "National Prosperity through Growing the Economy" is in essence getting the preconditions right for national growth and development through structural transformation, deliberate interventions, and responsible citizenship. Considerable effort has been put into bringing out the theme, which the Sector considers to be more strategic and will subsequently align through this Policy. The development of MTDP IV has coincided with the review of the 2007 White Paper on Law and Justice, which creates an ideal opportunity for the Sector to participate in the discussions of MTDP IV strategic priorities and targets for the Sector.

This *Law and Justice Policy* (the Policy) provides the strategic direction for the Sector over ten years from 2025 to 2035. It seeks to achieve the goals outlined in the Vision 2050, DSP and MTDP by outlining a policy vision for the Law and Justice Sector and providing guidance on key priorities at the national, provincial, district and local levels. The Policy will support a sector-wide approach to decision making and align Sector activities, making budget submissions, and reporting easier across all agencies.



This Policy supersedes the *2000 National Law and Justice Policy* and the *2007 White Paper on Law and Justice* established under NEC Decision No.109/2007 and draws on the outcomes from the 2018 National Law and Order Summit and the various policies that have been developed across the Sector in the intervening period. It also establishes a new Sector Strategic Framework to guide implementation and will align with existing government policies and frameworks to assist in consolidating performance management systems and the sector-wide monitoring and evaluation framework.

1.1 Intent of Policy

This Sector Policy intends to strengthen the capacity of the Sector institutions and the performance of systems to deliver on the Sector objectives so that:

- a) Crime data sets are developed and maintained to become the basis for evidence-based policy development to monitor crime reduction and improve community perceptions on safety;
- b) The backlog of civil and criminal cases in the National and Supreme Courts is reduced;
- c) The number of detainees held in remand is reduced;
- d) The rate of citizen satisfaction and perception on their rights and obligations under the *Constitution* and other laws increases significantly;
- e) Gender-based violence (GBV) and sorcery-accusation related violence (SARV) matters are investigated and prosecuted, contributing toward the National Strategy to Prevent and Respond to GBV target of having a robust governance and institutional structure of zero tolerance towards GBV;
- f) The number of corruption prosecutions increases;
- g) The completion time for the investigation of corrupt conduct is improved;
- h) The number of investigations and successful prosecutions of money laundering cases increases;
- i) The number of corruption cases with recovery of unexplained wealth increases. Perceived international “safe havens” are identified, and reciprocal legislative mechanisms and MOUs are established for the retrieval of the proceeds of corruption;
- j) Positive progression of PNG within Transparency International’s Corruption Perception Index;
- k) The quality of the legislative drafting processes and procedures is strengthened and sector legislation is reviewed and updated, including implementing the Constitutional and Law Reform Commission reports;
- l) There is an increase in diversion and reduction in reoffending by juveniles; and
- m) Bougainville Law and Justice legislation is drafted and enacted to enable transition of law and justice sector functions and powers.

This Policy will be delivered through the individual institutions and collectively through the systems in the Sector. In doing so, the Sector will strengthen the capacity and performance of its institutions, systems and personnel. This will be done through strategies that have been framed from the Sector challenges, targets and outcome areas captured in their various reports and policy documents. The strategies will therefore drive the Sector to achieve its targets.

This Policy identifies barriers that impede performance and introduces strategies to address them. This will be done through the provision of opportunities for growth and innovation, identifying redundancies, strengthening or revitalizing existing systems and processes, and pursuing reforms.

The Policy has identified the main areas in the institutions as well as the systems that need attention at the highest level of government decision making. The Policy therefore provides greater visibility of the functional and systemic roles of the Sector agencies so that:

- a) The planning and resourcing needs for the Sector remain transparent and purposeful;
- b) Other sectors can understand the work of the Sector;
- c) Each Sector agency can have the benefit of a national framework or policy supporting its individual corporate plans and activities; and
- d) The Sector can collaborate at a sustainable and meaningful level amongst its various agencies, development partners and other stakeholders.

Several Sector policies and strategies have been developed to support functional matters in accordance with the White Paper 2007 and the Sector Strategic Framework 2013. These were mostly with respect to bringing the government's attention to Sector agencies and institutions that were facing challenges; the existence of abuse and corruption in the system; strengthening Constitutional Office Holders; and identifying reforms that the Sector could take to improve its responses. This Policy will further align and strengthen those existing Sector policies or strategies toward achieving the objectives of the Sector and the government's development aspirations in the MTDP IV and Vision 2050. In turn, the respective policies and strategies developed by the Sector agencies toward addressing a particular matter will be maintained under the newly revised Sector Strategic Framework.

1.2 Audience

The Policy outlines what the government intends to do for and on behalf of the people of PNG through the Sector to ensure a just, safe and secure society. This Policy will provide a national framework for the Sector to be held accountable in terms of the resources it receives and how it uses those resources. This Policy also provides an opportunity for citizens, other sectors and government institutions, private organisations, churches, civil society, and development partners to have a strategic overview of the Sector.

1.3 Policy Development Process

The NCM resolved that the Law and Justice Policy should be consistent with the national policy frameworks and its development processes. As such, important central government organisations such as the Departments of National Planning and Monitoring, Finance and Treasury were also engaged in framing this Policy.

1.4 Scope of the Policy

The Policy is based on a number of objectives, each of which aim to address a unique area in the Sector's performance and aspirations for the country. However, each of those objectives are interdependent and the pursuit of each of them will have a positive impact on the other, while also bringing the Sector closer to its vision for the country. The Sector will align itself against the objectives through the strategies, which are to be implemented through various measures outlined in the SSF. The measures will be translated into activities that are captured in agency Corporate Plans or Sector policies leading on to the Sector's annual planning, budgeting, monitoring and evaluation, and reporting.

1.5 Core Government Policies and Legislation

1.5.1 Sector Legislation

The various pieces of legislation for the Sector cover the administration of respective Sector institutions' governance frameworks or systems, operational matters, procedural matters, and offences. The operational and policy work of the Sector is also guided by case law and literature on law and order.

The Sector develops policies to help with the administration of the type of services it provides when it involves a number of Sector agencies and other sectors. It also develops policies that can result in law reform. For example, the Juvenile Rehabilitation and Reintegration Policy 2021 to 2031 is based on the *Juvenile Justice Act* 2014. The *Juvenile Justice Act* 2014 is a law that provides for administrative, operational, and procedural matters, whereas the offences are provided under the *Criminal Code*.

The Sector is an integration of independent public institutions and an arm of government. There are a number of public institutions that are subject to the public service legislation and governance processes, which include the *Public Service (Management) Act* 1995, *Public Finance (Management) Act* 1995 and other public service legislation and policies. However, Constitutional Office Holders such as the Public Solicitor, Public Prosecutors, ICAC, Ombudsman Commission and the National Judicial Staff Services as well as the Magisterial Services are not subject to the public service legislation and processes. Whilst they are not subject to anyone's direction, the need to consult and discuss issues affecting the Sector is encouraged through the NCM as the Sector's peak body is dealing with the same people through different mechanisms.

The Sector's responsibilities in maintaining and preserving the Rule of Law are categorized under criminal, civil or regulatory responsibilities. It is important to clarify this under the Policy so that central government agencies responsible for planning and financial management appreciate the extent of work done by the Sector. These domains are explained as follows:

1. **Criminal:** criminal matters, juvenile matters, family and sexual violence, organized crime, transnational crime, corrupt conduct, rehabilitation and reintegration, and restorative justice.
2. **Civil:** claims by and against the State, land dispute settlement, human rights, family matters, deceased estates and trust administration, relator actions, protection of basic rights and social obligations under the *Constitution*, and other rights and liberties of citizens under law.

1.5.2 Sector Policies and National Policy and Planning Framework

The Law and Justice Policy is aligned to the country's National Planning Framework. This is represented as follows:



Figure 2: National Planning Framework

The core government plans and policies that are relevant to the Sector include:

National Policies and Strategies

- PNG Vision 2050;
- PNG Development Strategic Plan 2010-2030; and
- Medium Term Development Plan IV 2023-2027.

The alignment of these National Strategies to the Policy is as follows:



Figure 3: National Policy Alignment Logic

Sector Plans

- a) Law and Justice Sector Corporate Plans for each department or agency;
- b) Law and Justice Sector Strategic Framework;
- c) National Law and Justice Policy 2000;
- d) Provincial Law and Justice Sector Strategic Plans
- e) Social, Law and Order Strategic Framework 2019-2022;
- f) White Paper on Law and Justice 2007.

Sector Policies and Strategies

- a) Offender Rehabilitation and Reintegration Policy 2024-2028;
- b) Juvenile Rehabilitation and Reintegration Policy 2022-2032;
- c) Revitalised Village Courts Strategy 2020-2030;
- d) National Narcotics Strategy 2019-2022;
- e) Juvenile Justice National Plan 2018-2022;
- f) National Anti-Money Laundering and Counter Terrorism Financing Strategic Plan 2017-2022;
- g) Sorcery Accusation Related Violence National Action Plan 2024-2029;
- h) PNG National Anti-Corruption Strategy 2010-2030;
- i) 21st Century Court Structure for PNG 2010;
- j) Village Court Policy 2020-2030;
- k) PNG Correctional Service Detainee Rehabilitation Policy 2016;
- l) National Churches Strategy to Address Sorcery Accusation Related Violence; and
- m) Social Protection Policy 2015-2020.

The following diagram demonstrates the alignment of these Sector plans:

LAW & JUSTICE SECTOR POLICY ALIGNMENT

LAW & JUSTICE SECTOR POLICY 2025 - 2035

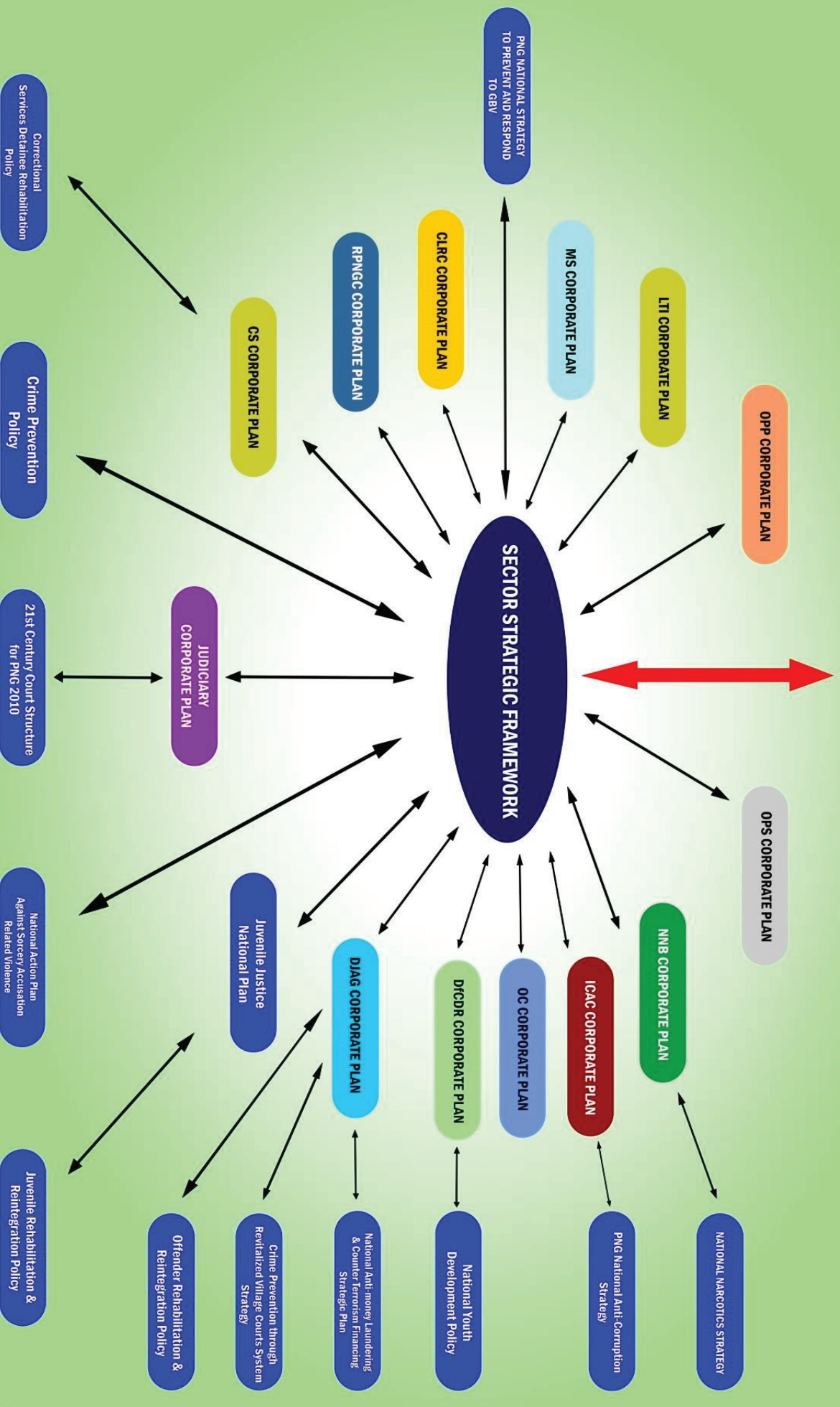


Figure 4: Demonstration of the alignment of Sector agency policies, strategies and plans to this Sector Policy

Cross-Sector Plans

These cross-sectoral plans are aligned to a Sector agency or a system.

- a) Family Protection Act Implementation Plan;
- b) Gender Equity and Social Inclusion Policy;
- c) National Alcohol Policy 2017;
- d) National Child Protection Policy 2017-2027;
- e) National Mental Health Policy;
- f) National Policy on Disability 2015; and
- g) National Strategy to Prevent and Respond to Gender Based Violence 2016-2025.



Figure 5: Commissioning of the Ialibu Community Justice Service Centre, Sothern Highlands Province

Chapter 2: Policy Alignment to MTDP IV

The *Medium-Term Development Plan IV* (MTDP IV) is PNG's five-year development plan for the period 2023-2027. The MTDP IV theme of "National Prosperity through Growing the Economy" is, in essence, getting the preconditions right for national growth and development through structural transformation, deliberate interventions, and responsible citizenship. Considerable effort has been put into bringing out the theme, which the Sector considers to be more strategic and focused and subsequently this Policy is aligned to it and future MTDPs.

The development of this Policy has coincided with the review of the 2007 White Paper on Law and Justice which created an ideal opportunity for the Sector to participate in the MTDP IV strategic priorities and targets for the Sector.

The Sector is pleased that it is reflected prominently in the MTDP IV as a pre-condition for growth through the strategic priorities. The Policy is therefore aligned to Strategic Program Area (SPA) 5 as the primary SPA and has direct links to SPA 1, 6 and 11¹ accounting to ten Deliberate Intervention Programs (DIPs). However, there are Sector programs and functions that have linkages to the other SPAs through the DIPs in the main program areas such as Infrastructure and ICT.

The Sector appreciates the budgetary allocation for the duration of the MTDP IV as reflected in the above strategic program areas. The Sector, through this Policy, agency corporate plans, and NCM, will operationalise the DIPs assigned to respective Sector agencies to achieve the intended SPA objectives with an overarching aim of contributing to the theme of the MTDP IV.

The Sector, through this Policy, is well placed to inform the Sector needs and prioritise for the next MTDP after 2027. The six Policy Objectives and their strategies are specific to Sector functions, yet are broad and long-term to capture the expanded activities and improvements in the Sector activities within the 10-year timeframe of the Policy. The Sector priorities for the next medium-term planning can be referenced from this Policy as it is designed to be implemented over a 10-year period which will bypass the five-year period of MTDP IV.

The Policy duration falls within the duration of the Development Strategic Plan 2010-2030 (DSP 2010 – 2030). This Policy will contribute to the implementation of Part IV of the DSP 2010-2030² which provides for land development and law and order.

The Policy adequately addresses and supports the strategies under DSP 2010-2030. It emphasizes the need for effective land administration and customary land reforms to provide a secured and well administered land tenure system that serves the needs of landowners and contributes to the nation's strategic development, as well as addressing law and order through targeting a 55% reduction of crime rate by 2030. The Policy is also aligned well to contribute to Part VI of the MTDP IV on the cross-cutting issues covering a wide range of issues concerning the Sector.

This Policy will also set the platform for the remaining 20 years to 2050 in ensuring that the Sector has effective leadership as well as good governance and effective accountability mechanisms with the investments in the enabling laws and policies to deliver peaceful and prosperous communities in PNG.

¹ Medium Term Development Plan IV, 2023 p 26.

² PNG Development Strategic Plan, 2010 pp 43 and 45.

Chapter 3: Policy Context and Direction

3.1 Goal

Building peaceful and prosperous communities together.

3.2 Objectives

1. Improved delivery of law and justice services;
2. Improved access to justice and just results;
3. Improved crime prevention and community safety;
4. Improved criminal justice outcomes and integrate the informal system;
5. Improved accountability and reduced corruption; and
6. Improved support to national security initiatives.

3.3 Principles

The Sector's approach to delivering law and justice services and improving justice outcomes is underpinned by the following eight principles of good governance:

1. **Participation**, including partnering across national and provincial governments, civil society organisations, private sector, churches, and communities across PNG to promote a just, safe and secure society for all;
2. **Rule of Law**, including developing fair legal frameworks that are enforced impartially and protecting human rights;
3. **Transparency**, including making and enforcing decisions in accordance with applicable laws and policies, and ensuring information about those decisions is freely available and accessible to anyone who will be impacted;
4. **Responsiveness**, including investing in technology, infrastructure, and leadership and professional skills to improve the delivery of justice services across PNG and reduce delays in the justice system;
5. **Consensus Oriented**, including coordination, collaboration, and communication across the Sector and with whole-of-government partners, and an increased focus on restorative justice as asserted in the PNG *Constitution*, “we reject violence and seek consensus as a means of solving our common problems”;
6. **Equity and Inclusiveness**, including improving access to justice for all Papua New Guineans, and particularly, vulnerable communities by implementing policies on GBV, GEDSI and juvenile justice;
7. **Effectiveness and Efficiency**, including using a preventive approach to tackle crime and violence more effectively, and finding innovative ways of working in the context of resource and budget constraints; and
8. **Accountability**, including a more rigorous system to monitor and evaluate the performance of the Sector and its leadership.

Chapter 4: Other Policies and Strategies

4.1 Current Situation

Various plans, research and reports have influenced the drafting of this Policy. The *National Law and Order Summit 2018*³ (the Summit) was a recent national event on law and order that reinstated and considered most of these information sources.

The Summit, with the theme ‘Building Safe Communities through Crime Prevention Partnerships,’ concluded that lawlessness in communities was increasing, and notable crimes included murder, alcohol and drug abuses, land disputes, and sexual assaults. The Summit identified that such lawlessness could have serious implications with businesses likely to withdraw investments leading to further instability in communities. A recent crime perception survey conducted in 2018, and again in 2022, in relation to selected provinces, also confirmed those findings.⁴ The Summit recognised five major outcomes as follows:

- a) Law and order issues were increasing in PNG;
- b) Lack of partnerships, coordination and networking within the Sector;
- c) Benefits of community participation, engagement, and conversation;
- d) The need for capacity building within the Sector; and
- e) Reliable crime data and statistics are lacking.

The Summit Outcomes Report recommends focusing on crime prevention, capacity building, coordination, and crime data and statistics. As a result, the Policy seeks to address specific issues, including:

- a) As an indicator, the World Bank Trends of Crime and Violence report found that despite the total number of reported crimes slowly decreasing, arrest rates have stayed low and as a percentage of total crimes reported have stayed lower than 50% of reported crimes.
- b) Data shows that arrest rates are consistently far lower for certain crimes, such as GBV, rape, sexual offences, robbery and breaking and entering despite those crimes being some of the highest reported.
- c) PNG experiences a high rate of GBV, which is considered endemic. Two out of three women are said to be affected by GBV⁵. In 2019, PNG ranked 161 out of 162 countries on the Gender Inequality Index. Whilst GBV impacts women, men, boys and girls, it is recognised that the impact of GBV disproportionately affects women and children, and those with disabilities, particularly women and girls. About 56% of women aged 15-49 have experienced physical violence, 63% partner violence and 28% sexual violence⁶. Women and girls with disabilities are 3 to 4 times more likely to experience GBV. The impact of GBV is felt at all levels, including socio-economic development.⁷
- d) There is overcrowding in prisons due to the delay in dealing with remandees.
- e) PNG ranks poorly on international assessments of corruption such as the Transparency International Corruption Perception Index, in which PNG is currently ranked 130 out

³ National Law and Order Summit Report, 2018.

⁴ Justice Services and Stability for Development Program, Community and Business Perceptions of Crime and Safety, 2018 and 2022.

⁵ Department of Community Development, 2016.

⁶ PNG National Statistics Office, *Demographic and Healthy Survey 2016-2018*, (Port Moresby, 2019) <<https://dhsprogram.com/publications/publication-fr364-dhs-final-reports.cfm>> at 13th September, 2022.

⁷ Report of Special Parliamentary Committee on Gender Based Violence, 2022.

of 180 countries⁸. The reports indicate that corruption appears to be increasingly more systemic and endemic.

- f) The perception of safety in PNG has been on a steady decline and persons with disabilities feel less safe than those without disabilities.
- g) There is a backlog of both criminal and civil cases in the National and Supreme Courts that has also caused a delay in justice.
- h) The turnover rate of lawyers in the Solicitor-General's Office has seen an increase in the last couple of years. This has resulted in an increase in brief out of litigation matters by the Solicitor-General's Office with a total of K18.9 million for the years 2019 to 2022. However, the Solicitor-General has managed to save an estimated K27 million for the years 2018 to 2021 through its various interventions in defending or dismissing claims successfully, doing successful cost recovery and taxation of bills.
- i) The State Solicitor provides legal services to the State that is worth between K500,000 to K10 million annually. The State Solicitor's services continue to be on demand for special projects and advice, which also contributes toward the efficiency in the Solicitor-General's functions.
- j) There is no proper evaluation of the effect of the rehabilitation and reintegration programs for those who come into conflict with the law.
- k) There has not been any real assistance given to the welfare of Sector officials.

The Sector's bid for resource leveraging cannot come at a better time when the government has initiated multi-million-kina infrastructure projects that the Sector's functions and programs stand to benefit significantly. The multi-modal infrastructure development program to facilitate the 'Connect PNG' and Economic Corridor Development concept under the PNG Development Strategic Plan 2010-2030 will enable the effective delivery and access to legal and justice services. This will be in the form of supporting policing, court circuits, sub-national coordination, supervision of law and justice officers, connecting infrastructure (Community Justice Service Centres, Village Courts and rural lockups), managing the prison population, and national security considerations.

The Sector also sees itself as a critical enabler towards the Special Economic Zones geared towards boosting the country's economy. The Sector will be directly involved in supporting this dynamic economic growth strategy for the country through legal advice, resolving land disputes, and providing security. Also, the government must support the Sector's presence at these economic corridors adequately under this Policy. The economic corridors identified include some of the areas in the country where Law and Justice Sector presence and work are the weakest. The Sector also envisages jurisdictional issues, policing as well as ensuring community safety that may arise and will prepare itself under this Policy.

4.2 Analysis of Issues

The analysis of the issues that have come out from the current situation facing the Sector will be discussed under each strategy with a view to adding context to the measures identified.

⁸ Transparency International Corruption Perception Index, 2022.

4.3 Policy Response

The Sector goals as envisaged in the Sector Strategic Framework 2005 and endorsed by the 2007 White Paper continue to be relevant. The Sector has invested in each of those goals which has resulted in several organisational reforms, system and business process strengthening, infrastructure projects, law reforms, Sector policies, strategic partnerships, and capacity building.

The White Paper had no term of operation and was subject to its implementation schedule. The implementation schedule has had no real reporting on its overall progress since 2007. There have been sporadic developments under the 2007 White Paper which have been captured in agency and development partner reports. These are the Sector Performance Monitoring Framework, Sector Annual Performance Reports, the various institutional Annual Reports, reports from sector/cross-sectoral committees or boards and development partnership reports such as the JSS4D Annual Performance Reports. These have been provided to the DNPM to evaluate the Sector's performance against the Vision 2050, SDG, and MTDP III.

A notable indication of the White Paper 2007 being implemented is the independence of the OPP and OPS from the DJAG administration, the reform to the juvenile justice system, and progressive policy decisions for the Judiciary and crime prevention initiatives.

A summary of the Sector's performance under the White Paper 2007 is as follows:

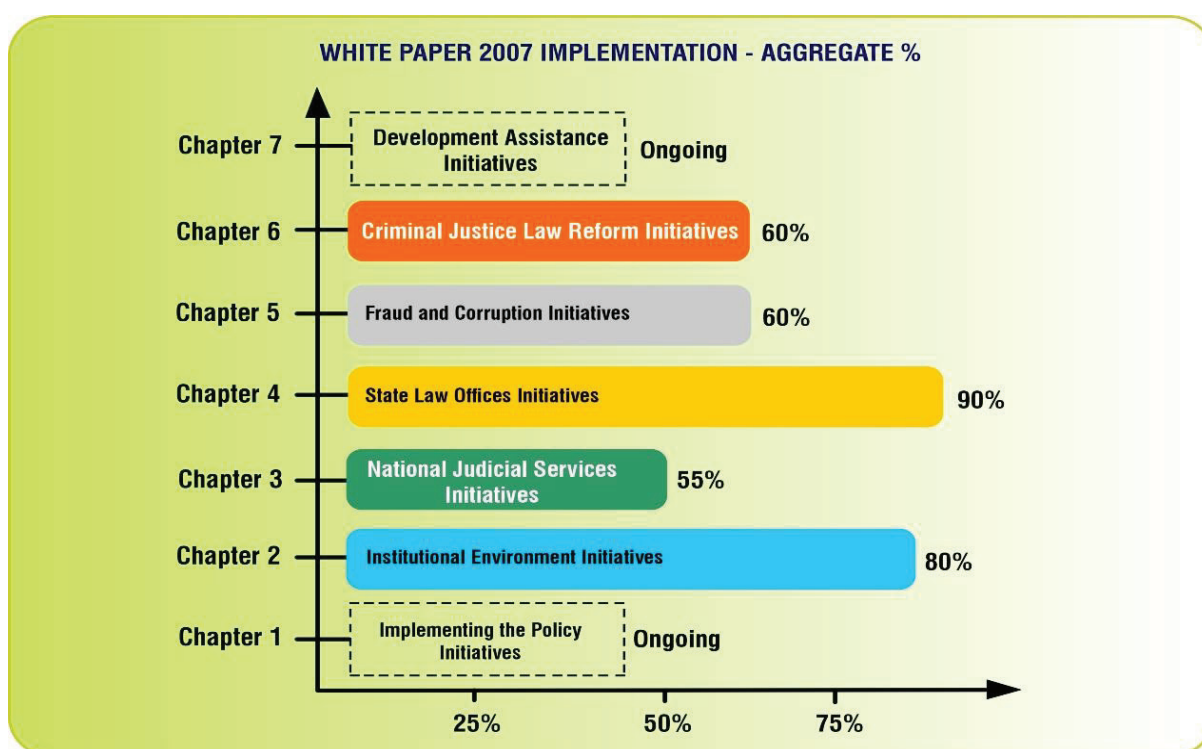


Figure 6: Sector Performance under the White Paper 2007

There were seven chapters in the 2007 White Paper.

Chapter 1 (Implementing the Policy) and Chapter 7 (Development Assistance Initiatives) are ongoing. But what can be reported is that proper governance frameworks are now in place through the NCM and the DNPM.

Chapter 2 is in relation to Institutional Environment Initiatives. The Government Law Office has not been established but the State Solicitor and Solicitor General are now deemed departmental heads under the *Attorney General Act* since 2019.

Chapter 3 is in relation to National Judicial Services initiatives, which have been initiated but progress on the legal framework has just begun. This is in relation to the restructure of the Higher Courts and increase in jurisdiction of District Courts.

Chapter 4 is in relation to State Law Office initiatives, which is mostly complete. The review of the Wills and Deceased Estate Administration process needs immediate traction.

Chapter 5 is in relation to Fraud and Corruption Initiatives. Much has been progressed through the development of the National Anti-Corruption Strategy and specifically the enactment of money laundering legislation. A milestone achievement of the Sector is the enactment of the Constitutional Amendment in 2013/4 and the *Organic Law on Independent Commission Against Corruption* 2020, which establishes ICAC. Since the end of 2022, ICAC is now in operation. In 2022, the Parliament also enacted the Proceeds of Crimes Act strengthening the Sector's work in this space. Then in October 2023, the Parliament passed Constitutional Amendments to strengthen the work of the Ombudsman Commission. Recently in June 2024, after 14 years, the Parliament Amendment for restructure of the Higher Courts.

Chapter 6 is in relation to Criminal Justice Law Reform Initiatives, which has been successfully progressed with respect to reforms to Juvenile Justice, parole and the OPS, as well as reforms to the *Criminal Code* and the *Summary Offences Act*. However, more is needed in the area of support to rehabilitation programs and reforms to the RPNCG.

This Policy carries on from the foundations set by the White Paper 2007 under a robust Performance Monitoring Framework 2013 for timely and accurate reporting. This will ensure the Sector maintains a sense of direction and focus under its strategic priorities. The LJSS has the responsibility to support the role of the NCM to ensure that Sector agencies remain accountable towards the strategic priorities.



Figure 7: Consultation on the review of the White Paper 2007 and the drafting of this Policy

Chapter 5: Objectives and Strategies of this Policy

The Sector strategies under the six objectives are:

- a) **Contextual:** Based on needs and weaknesses, strengths and opportunities;
- b) **Integral:** Independently purposeful, but dependent;
- c) **Relevant:** Consistent with development aspirations;
- d) **Achievable:** Based on resource availability and projections;
- e) **Motivational:** Maintain interest and commitment;
- f) **Cascading:** Strengthen existing achievements; and
- g) **Inclusive and non-exhaustive:** Stakeholder oriented.

These objectives and strategies are consistent with the requirements of law and international conventions, the Minimum Level Service Delivery Framework, the Sector's Performance Monitoring Framework, available data and research, demographic considerations, and are commensurate with government priorities and developments in other sectors under the MTDP IV, SDG and Vision 2050.

Most of the strategies continue to be relevant since being first brought up by the 1984 Clifford Report on Law and Order in Papua New Guinea. This report was acknowledged and considered in the production of the White Paper 2007 and provided guidance to the National Law and Order Summit in 2018.

These six objectives and strategies must therefore drive the Sector and its various institutions and systems to achieve its goal - building prosperous and peaceful communities together.

In reflecting the MTDP IV, these Sector objectives and strategies will be delivered by DIPs to capitalise on the government's desire to invest in projects that will provide the preconditions to push PNG into a middle income country. The Sector is therefore prepared to undertake reforms to 'remove, raise, reduce or create' in order to become more effective and efficient.



Figure 8: Example of Intended Sector Targets

Objective 1: Improved Delivery of Law and Justice Services

The delivery of quality and effective law and justice services continues to be a primary focus of the Sector. It remains the epicentre of the Sector's planning, budget, policy development, organisational reform, law reform and activities. The delivery of quality services alone has been responsible for more than 60% of the Sector budget support, which includes development partner support.

The Sector's aspiration of service delivery is that the type of law or justice services expected by the citizens or the State are provided in a timely and cost-effective manner. This requires investing in infrastructure; increase in staff; investing in information communication technology; entering into strategic partnerships; strengthening governance systems; institutional business processes; improving monitoring and evaluation; capacity building; and ensuring the welfare and wellbeing of Sector human resources, with an emphasis on GEDSI and leadership.

A key aspect of ensuring delivery is to connect well with the sub-national level. The provinces and districts must be empowered to take ownership of the law and justice initiatives of their locality and support the national institutions. The Sector will support the government's decentralisation programs in rolling out law and justice services as well as empowering provinces and will prioritise the transfer of functions and powers to the Autonomous Region of Bougainville (AROB).

Strategy 1.1: Enhance Sector Coordination, Leadership and Governance

The performance of the Sector can only get better through effective coordination. The Sector is comprised of independent agencies and the Judiciary, which work together as a system to ensure effective delivery of quality law and justice services.

The Sector covers a vast array of functions that involve other national agencies and stakeholders at the provincial and district levels. It also involves coordinating with development partners, civil society organisations, churches, and non-government organisations. The Government is keen to ensure that the Sector agencies continue to be relevant, impact driven, and provide the leadership and coordination required for effective justice services to all Papua New Guineans.

The DJAG continues to retain its central agency status representing the Sector in government forums and discussions on policy. Such forums include the Central Agency Coordinating Committee (CACC), the Provincial Local-level Services Monitoring Authority (PLLSMA), National Coordination Committee on Anti-Money Laundering and Counter-Terrorism Financing, National Anti-Human Trafficking Committee, SLOS and external policy dialogues. The DJAG must continue to strengthen its role in this regard.

The Law and Justice Sector Secretariat (LJSS) is now part of the DJAG structure and is under the direct supervision of a Deputy Secretary. With that added organizational support and prominence, the DJAG will continue to coordinate the Sector. The LJSS will be supported and strengthened to be more innovative, proactive, symbolic and organized. Each Sector agency must be committed to the workings of the LJSS and the NCM.

Other government agencies have now joined the NCM. A key partner agency is the Department for Community Development and Religion in terms of its role and reach into the communities, the youth population, persons with disabilities, churches, and civil society.

National Coordinating Mechanism

The NCM is the Sector's peak body and will lead the implementation of this Policy. The NCM is comprised of heads of Sector agencies, which include the Department for Community Development and Religion. The NCM is supported by the Law and Justice Sector Working Group, consisting of senior officials from each of the NCM agencies. The LJSS, within DJAG, provides secretariat services to the NCM, facilitates the Law and Justice Sector Working Group, and coordinates cross-sector programs, development partner activities, and sub-national engagement.

Whilst the Sector acknowledges the organisations and the respective systems' operational and administrative independence, the NCM as the Sector's peak body will have oversight in the implementation of this Policy. The NCM will continue to effectively participate with other government agencies, on matters of national interest to ensure that the Sector's interests are acknowledged and that there is support to its agencies.

The NCM will continue to be informed of essential operational and administrative matters, which include the work of other Sector governance and operational bodies. The NCM through the LJSS will enhance its monitoring and evaluation role to effectively monitor Sector policies to ensure that they are relevant and achieve their respective outcomes. Additionally, the NCM is the link between the Sector and the executive government through the SLOS Ministerial Committee by providing regular reports on high level law and justice policy matters.



Figure 9: NCM members after a NCM meeting at Loloata Island Resort in 2021

Judicial and Legal Services Commission

The Judicial and Legal Services Commission (JLSC) is established under Section 183(1) of the *Constitution*. The functions of the JLSC are further provided under the *Organic Law on the Judicial and Legal Services Commission* (OLJLSC). These functions include review of the

jurisdiction, practice and procedure of the District Court and all other courts (excluding the higher judiciary), to ensure there are adequate staff, and adequate statistics. The JLSC is a constitutional office and as such is free from direction and control. The JLSC is responsible for the appointment of judges and magistrates and several heads of the Sector.

Under this Policy, the JLSC will be strengthened through policy, law and administration to ensure that it takes a more proactive role in monitoring the performance of judges, magistrates and constitutional office holders in accordance with the Sector's performance monitoring framework.

The JLSC is supported by a secretariat established under Section 12 of the OLJLSC. Given the demand placed on the delivery and access to justice with a particular focus on restructuring the higher and lower courts, the secretariat will work closely with the Sector to enable the JLSC to support the objectives of the Sector. The JLSC will therefore need to have adequate capacity and capability, as well as resources to carry out its mandate. This will entail maintaining an effective screening process for judicial officers and constitutional officers, providing timely dissemination of decisions, keeping statistics and conducting reviews on the jurisdictions of the District Courts, Specialist Courts and Tribunals.

These enhancements are captured under the DJAG Corporate Plan 2024-2028 and will be supported. The Sector will support the JLSC to perform its functions effectively.

Other Governing Bodies or Committees

The Sector is always working together on policy or operational matters through committees or boards established under legislation or policy. It is through this Sector design that progress has been made in notable areas. The Sector will support and strengthen their respective roles as opportunities are presented to coordinate and collaborate with other sectors on matters of strategic importance. Most of these forums are already in existence and the Sector will continue to support them and optimise their influence and capabilities.

Those committees or boards include the:

- a) National Juvenile Justice Committee,
- b) Provincial Juvenile Justice Committees;
- c) National Coordinating Committee on Anti-Money Laundering and Counter-Terrorism Financing;
- d) National Narcotics Control Board;
- e) Provincial Law and Order Committees;
- f) Provincial Land Dispute Committees;
- g) SARV National Action Plan Committee.
- h) Parole Board; and
- i) Release on Licence Committee.

Strategy 1.2: Expand Sub-national Engagement and Presence

The Sector will strengthen its engagement and presence at the provincial and district level to improve the delivery of law and justice services to build and empower communities to be safe, secure, peaceful and sustainable.

Adequate legislative and administrative frameworks currently exist for the Sector to support its effective engagement at the sub-national level. Within that framework, the Sector will manage the expectations of each province on community safety with national interest considerations and develop practical interventions that can become part of its institutional and business processes. The challenge in accessing provincial law and justice services will be addressed by the Sector through Objectives 1 and 2 of this Policy.

The National Law and Order Summit 2018 had several provinces present on law-and-order issues, as well as initiatives by the respective Provincial Governments and administrations. A key challenge faced by the provinces is the connectivity between national policies and provincial plans and priorities. This is not as simple as giving a copy of the policy or plan but must include the involvement of the provinces in the development stage, sensitisation and incorporation into business, communication strategies and human resource management. The Sector needs champions in maintaining national and provincial networks that will take carriage of national policy implementation in the provinces. The Sector cannot emphasise enough the need for the right type of people in the provinces, as well as the national level, to keep the leadership as well as the administration working together. This must be supported with adequate institutional guidelines and communication resources. The Sector will therefore work with the provincial administrations under the Sector provincial engagement strategy as follows:

- a) Relationships and networks between people will enable the law and justice system to work;
- b) The Sector will ensure to consult each Sector agency that has a role in the province and districts through its expansion programs;
- c) There must be a robust communication system between the national level and the sub-national establishments with real time information dissemination and sharing;
- d) The PLSSMA platform must have the Sector's commitment;
- e) Use existing provincial platforms;
- f) Have more twinning and exchange programs between national, provincial and district agencies;
- g) Share financial resources through properly aligned costs and expenditures under the DSIP, PIP, Provincial and National Budgets;
- h) Ensure clear reporting lines for officers working in provinces;
- i) Engage provincial and district officers to do more awareness on national policies;
- j) Provinces and districts take ownership of their respective law and order issues and offer solutions with the national agencies;
- k) Create more Sector working committees to deepen collaboration and resource maximization between Sector agencies such as the following;
 - 1. Leadership and Training Committee,
 - 2. GEDSI Committee,
 - 3. M&E Committee,
 - 4. Infrastructure Committee,
 - 5. SARV Committee,
 - 6. Welfare Committee,

7. Policy and Law Reform Committee,
8. ICT Committee, and
9. Partnership and Sub-national Engagement Committee.

Most of what is considered in the six Objectives of this Policy are geared towards involving provinces and districts in the delivery and access to law and justice services. In particular, the Sector will continue to support and roll out:

- a) Sector infrastructure projects for consistency throughout the country such as the Community Justice Service Centres, District Community Development Centres, Sector Regional and Provincial Office complex, and Village Court Houses;
- b) Support existing Sector policies and strategies that are already being implemented at the Provincial and District levels, including growing leadership and GEDSI capacities;
- c) Support existing opportunities for the Sector to collaborate with the provinces and districts such as the provincial committees and DDAs;
- d) Police Stations and Correctional Service institutions refurbishments and staff accommodation;
- e) State Legal Services in Regional and Provincial centres;
- f) Court Houses for regular and continuous court circuits;
- g) Accommodation and logistical support for Magistrates;
- h) Expansion of the National Narcotics Bureau Provincial Offices; and
- i) Strengthened and expand the Sector's work on GBV, SARV, FSVU, and other social security policies in other provinces and districts.



Figure 10: Sector engagement with Provincial Governments

The respective Sector institutions have operational independence in terms of the upkeep of their provincial and district facilities or expansion programs. The Sector will ensure that there is strong collaboration with Sector Agencies that have a role to play so that the provinces can have the benefit of a complete system reflective of provincial and district plans and the respective national policy framework.

The Sector will ensure that its efforts to work with and through the provinces will be consistent with the Minimum Level Service Delivery Framework, the caption of priority provinces, government's economic policies and socio-economic development priorities and especially information supplied by research, monitoring and evaluation of Sector services in the provinces and their demand.

The Sector, whilst maintaining minimum standards for Sector service delivery, must allow a degree of flexibility to accommodate the varying cultural, topographic and demographic expectations of each province and district, so that the interventions are solutions based. As expressed in the 2007 White Paper;

Rather than compromising a uniform law and order situation, Papua New Guinea's justice environment is made of a rich mixture of cultures, each with its own distinct character, resources and needs. Significant differences exist between urban and rural contexts, as well as within particular regional, provincial, rural and urban settings. This diversity, in turn, demands a national law and justice system that is sufficiently flexible and responsive to accommodate and manage these wide variations in local circumstances. Such an approach lies at the heart of the Constitution's powerful and original vision of unity in diversity as the key to Papua New Guinea's future development.

Strategy 1.3: Transfer functions and powers to Autonomous Region of Bougainville



Figure 11: Commissioning of the Bougainville Law and Justice Centre by Minister for Justice and Attorney General Hon. Pila Niningi, Australian Minister for Pacific Development Hon. Pat Conroy and ABG President Hon. Ismael Toroama. The transfer of Village Courts and District Courts powers to Bougainville were also announced during the commissioning on the 20th of September 2024 in Buka

The National and Bougainville Governments are working to support the transition of functions and powers to Bougainville in the Law and Justice Sector consistent with the *Bougainville Peace Agreement* and the *Constitution* of PNG. This work is being facilitated particularly through a 'Shaping Bougainville Justice Project' which was endorsed by the Bougainville Executive Council and is being managed and implemented through the Bougainville Law and Justice Coordinating Mechanism (BLJCM) and the NCM. The NCM and the BLJCM entered into a Memorandum of Agreement in 2018 for that purpose.

The project is being progressed through a transitional work plan under three pillars which are staged migration of responsibilities for justice administration; the development of enabling legislation to support this migration; and agreement for budget to support the migration. Moving forward, the transitional plans will focus on three main work streams including:

- 1) Justice administration (including Ombudsman Commission);
- 2) Police and Correctional Services; and
- 3) Bougainville Judiciary.

Whilst the transition is being managed by the NCM and the BLJCM, the applicable Bougainville Strategic Development Plan 2018-2022, and its equivalent will continue to guide the Sector in its continued service delivery for the people of Bougainville. The Sector targets therefore specifically include support to the Bougainville Law and Justice Sector in terms of legislation, which is a key enabler for the draw down, whilst assistance in coordinating transitional arrangements and capacity building opportunities will continue.

Strategy 1.4: Invest in Information, Communication and Technology

The National Criminal Process Improvement Project (NCPIP) established under the White Paper 2007 is aimed at improving the flow of work in the criminal justice system. The Judiciary's introduction of the Integrated Criminal Case System Database (ICCSDB) is the platform that makes efficient the criminal justice administration process and assists particularly with information communication and data management. The ICCSD is focused on collecting and sharing information on offenders and parties involved in the criminal case processes across the criminal justice system from complaints to sentences and conviction records. With this system fully functional, the efficiency of the criminal justice system will improve significantly and lead on to effective monitoring and evaluation. The Sector agencies that have a role in the criminal justice system will be empowered to build or improve institutional databases that will be linked to the ICCS.

The Integrated Electronic Case Management System (IECMS) will be further enhanced to accommodate the new court restructure program, making efficient both the criminal and civil track administration of the courts from the National Court, Appeal Court and up to the Supreme Court. Its interface features will also enable court users to have access to judgements and other legal resources.

The Sector will mobilise and streamline its ICT infrastructure and services under the Digital Government Plan 2023-2027 domain of *e-justice* while also acknowledging the application of the *Digital Government Act 2022* in its various transactions and programs.

Apart from the IECMS, the Sector will continue to support access to legal information through virtual platforms, including the newly created PNG Legal Information Network (PNGLIN). PNGLIN will contribute to access to justice and the rule of law by making primary legal resources, such as laws and published judgements, freely available. Authorised users, including judicial officers and subscribers from the legal profession, will also be able to access additional resources through PNGLIN.

The Pacific Island Legal Information Institute (PACLII) continues to be popular and regularly used by professionals and citizens throughout the country. The Sector will organise a review of PACLII with a view to sustaining its use. This and other opportunities for information dissemination and publications such as the Attorney-General's Law Journal will continue to be a priority for the Sector.

It is also anticipated that a digital platform will be established at DJAG to provide up to date information and data on crime trends and responses. This platform will provide evidence based data to guide the Sector's responses to tackling law and order issues in the country.

Strategy 1.5: Invest in Professional Development and Human Resource Wellbeing

There continues to be strong investment by the Sector in training and building the capacity of its human resource as well as efforts to make available adequate resources to assist them in the discharge of their duties. The type of training and capacity building programs include institutional colleges in terms of their specific roles and professions, tailored training workshops, secondment or twinning arrangements, on the job training and external training in tertiary institutions or colleges. A report of the type of training programs undertaken by the Sector agencies respectively can be found in the Annual Reports or the Sector Performance Reports.

The individual agencies within the Sector will continue to identify training or capacity needs for its staff both at the operational and administrative levels in accordance with respective organisational objectives and performance requirements. As a matter of priority, the training that the Sector agencies plan for must be targeted to address the capacity gaps and weaknesses in the Sector's performance. The training programs must therefore have tangible outcomes that can be experienced through the service delivery mechanism or value chain as well as be felt by the community. Again, there must be a strong emphasis on the evaluation of institutional or external training programs to ensure that they reflect well on the Sector's objectives.

The Sector therefore calls for training programs by development partners with respect to the core responsibilities of the Sector to be reflective of the Sector's objectives and priority areas. The LJSS has the responsibility to ensure that development partnership arrangements with countries or international organisations are coordinated and carefully managed in accordance with the Sector's aspirations. Whilst individual institutions are at liberty to have institutional partnership arrangements, it would be beneficial to the Sector's overall planning and for consistency to have some visibility of those programs.

The type of training for the Sector agencies must not be limited to core functions but include other capabilities and soft skills. The Sector must see an improvement in its problem-solving abilities, emotional intelligence and customer service, with special attention to literacy levels of customers as well as disability requirements. There will be a strong emphasis on training programs in leadership, financial management, ethics, communication skills, health and physical wellbeing and stress management. Mentoring and supervision are also essential as leadership at all levels of an organisation play a key role towards building staff experience, expertise and moral. It is also important that succession planning is institutionalised in each Sector agency with a view to identifying and retaining potential leaders.

Moreover, most Sector agencies come into direct contact with violence, trauma, and stress. In taking a modern and inclusive approach toward building the capacity of its human resource, the Sector aims at institutionalising and resourcing avenues by which Sector personnel have access to wellbeing and welfare services such as trauma counselling, rehabilitation, health care and veteran support services. This will also complement the GEDSI program that most of the Sector agencies have adopted and applied.

The Sector will continue to support other government initiatives in training public servants or those involved in delivering services to the people. It will participate strongly in those programs and ensure that the Sector training programs are not only given support but are also linked to the government's overall human resource aspirations for the country. The Executive

Leadership, Learning and Development Program will be a key priority for the Sector going forward to align with the Somare Institute of Leadership and Governance and the PNG Centre for Judicial Excellence.

The Sector will participate in the government's retirement program to ensure Sector retirees are adequately compensated and that there are adequate programs to prepare them to reintegrate into private or civilian life. A proposal to consider retirees as mentors or to increase the retirement age of Constitutional Office Holders to 75 years is being pursued of age under this Policy as a means of retaining Sector knowledge, experience and expertise.

PNG Centre for Judicial Excellence

The PNG Centre for Judicial Excellence (PNGCJE) is paving the way to enhance the performance of judges, magistrates, lawyers and other officers of the court. It is fast evolving into a modern training institution that has the state of the art training facilities with highly qualified and accredited trainers, sourced both locally and from overseas. It was established in 2010 as an initiative under the White Paper 2007 and has now conducted various training programs for judges, magistrates, lawyers, court staff and users. The Sector will continue to support the PNGCJE as it endeavours to ensure the delivery of justice by one Sector is of a standard that the community deserves. It aims to streamline and oversee all training programs for judicial officials, adjudicators and those involved in conflict resolution and justice administration so that there is consistency and regard for high standards. It is aiming also to offer its training facility for judicial officials and legal practitioners in the Pacific.

Legal Training Institute



The Legal Training Institute (LTI) has been responsible for the training of lawyers since 1973. It is currently reviewing its curriculum to ensure that the lawyers receive professional training that continues to meet professional standards and the demands of access to legal

services. Lawyers contribute significantly to the rule of law and have a significant influence toward the administration of justice, whether in the public or private sector. Apart from initially being assessed as fit and proper persons to practice law, there is continuous scrutiny of the legal profession by the Law Society to ensure that citizens are not disadvantaged and are given quality legal services. The Sector therefore supports the role of the LTI and the reforms it is undertaking through its Corporate Plan to ensure professionalism and quality. The Sector also implores the Law Society to be more active in the discharge of its duties in ensuring lawyers maintain their professionalism and that citizens are able to use their services with confidence. The UPNG School of Law must also maintain a high standard so that those selected to undertake legal training at the LTI have a firm foundation on substantive law. The recent amendments to the *Lawyers Act* 1986 and the *Attorney-General Act* 1989 are geared toward supporting, strengthening and maintaining high standards of legal practice in PNG. The LTI, with the support of government, will build a new LTI infrastructure valued at K190 million. This will cater for the increase in the number of trainees to a maximum of 200.



Figure 12: An artist impression of the new state-of-the-art Legal Training Institute

Bomana Police Training College

The Bomana Police Training College is embarking on an administrative restructure as well as an overhaul of its training programs and curriculum. This is in line with the RPNGC Corporate Plan 2021-2030 to transform the college into a National Centre for Excellence that will support recruitment of police personnel through the redesigning of the recruitment and selection process. The training facility, now under the supervision of an Assistant Commissioner of Police with an emphasis on discipline, is embarking on a review of the curriculum as well as the physical training aspects to modern standards so that police are able to perform traditional policing duties as well as relate to new and sophisticated crime trends.

Following the findings of the *True Cost of Policing Study*,⁹ the importance of improved recruitment practices and the provision of a career long training continuum, are being institutionalised in the remit of the National Centre of Excellence. The training of new recruits had re-started in 2023 (with a nine-month basic training course (as opposed to previous six months) and through to 2026. The capacity of the National Centre of Excellence will be expanded to grow the RPNGC towards the target of 10,000 uniformed police.

Correctional Services Training College

As envisaged by its Strategic Plan 2019-2022 and the SSF to modernise the Correctional Services, the Correctional Services Training College is also embarking on reviewing its training curriculum and programs as well as upgrading its selection and recruitment processes. With the emphasis on discipline, Correctional Service recruits will have exposure to practical scenarios in managing prisoners, remandees and detainees, both adults and juveniles. These will include rehabilitation programs and working with other stakeholders through the Prison Industry Initiative.

Joint Forces College

The Sector will continue to support the full establishment of the Joint Forces College as an avenue to further enhance the capability of the country's security forces. This facility places an emphasis on standards in law enforcement as well as national security and will be supported with modern facilities and acquire the services of highly skilled and qualified trainers on

⁹ True Cost of Policing Study, Deloitte, 2020

matters of national security, administration, welfare and wellbeing, and information communication technology.

Strategy 1.6: Invest in Infrastructure Development and Maintenance

There continues to be strong investment by the Sector in infrastructure development and refurbishment. Sector infrastructure includes office buildings, training facilities, court houses, correctional and confinement facilities and institutional housing. A report of infrastructure projects can be found in Annual Reports and Sector Performance Reports.

The individual organisations within the Sector will continue to identify and implement infrastructure projects required to carry out their respective functions and responsibilities effectively and efficiently. The infrastructure projects must be appropriately located and accessible for all citizens.

The Sector will also work towards building regional and provincial office complexes to better coordinate and strengthen Sector programmes at the sub-national level.



Figure 13: Gama Village Court House, Markham District of Morobe Province built per the Village Courts Policy 2020-2030

Objective 2: Improved Access to Justice and Just Results

Access to justice and just results is an integral part of a democratic country and is not limited to the form of justice one would expect by going to court. It includes avenues by which a citizen is given the right to be heard through a reliable and transparent process. Any system or process that is involved in the dispensation of justice whether informally, administratively or through an adjudicating process, falls within the meaning of ‘Improved Access to Justice and Just Results’.

A conflict can be resolved either formally or informally. This Policy supports and aims to strengthen both avenues so that citizens have a higher chance of accessing justice and obtaining just results when the need arises. Alternative avenues for conflict resolution must be strengthened so that courts can focus in dealing efficiently with serious matters. The jurisdiction of the courts will not seriously be invoked unless other forms of redress, justice or dispute resolution have been exhausted.

The Sector calls for these processes to be strengthened and made credible, including through the appointment of officers who have a role in justice administration, the type of training and assistance they receive and support to referral pathways. The other initial dispute resolution processes or pathways that the Sector encourages are empowering citizens through education and awareness to resolve domestic disputes; ensuring efficient regulatory mechanisms; strengthening avenues for arbitration; strengthening mediation or restorative justice mechanisms either modern, cultural or informal; and the means to resolve industrial disputes. The Sector is keen to support this as a means of creating opportunities to access justice and its timely delivery and reduce litigation or complaints.

The Sector supports those administrative, quasi-judicial, cultural, or informal avenues to be effective in dispensing justice. The dispute resolution procedures of involving negotiation, mediation, arbitration and adjudication will be encouraged and strengthen.

The penalties or remedial action that society places on convicted persons must be proportionate to the crime or offence being committed. The persons who come into conflict with the law must be accorded their rights under the *Constitution* and provided legal services without fear or favour. The justice services that are a part of this process must also be strengthened and made available to citizens. These include the Probation, Parole, and Juvenile Justice Services, as well as the Parole Board, Release on Licence Committee and the Advisory Committee on the Power of Mercy. This will support any restorative justice programs in terms of rehabilitation and reintegration.

This Policy aims to remove barriers to allow access to justice for all citizens, particularly women and girls and people with disabilities. The barriers include complacency, corruption, incompetence, ineffective or redundant systems or processes, high costs, isolation of citizens, unconscious biases, and lack of knowledge.

Strategy 2.1: Empower the State Law Offices

Efficient and effective State Law Offices are vital to upholding the rule of law and protecting the interests of the State and its people. The State Law Offices in PNG are the offices of the Attorney-General, the Public Prosecutor and the Public Solicitor. The offices of the Solicitor General, the State Solicitor, and the Public Trustee also play an important role in the delivery of legal services in PNG. Additionally, the Constitutional and Law Reform Commission also provides an important legal service through law reform.

Timely, quality, and accountable service is required in all the State Law Offices. Challenges remain in ensuring the offices have appropriately qualified management personnel, sufficient levels of staffing and resources, and the systems and training necessary to discharge their constitutional and legislative duties. To support the offices to recruit and retain lawyers in a competitive legal market, the Government has now improved the terms and conditions of lawyers in these offices. Consideration will also be given to providing additional funding to these offices, including to improve their corporate and practice management systems.

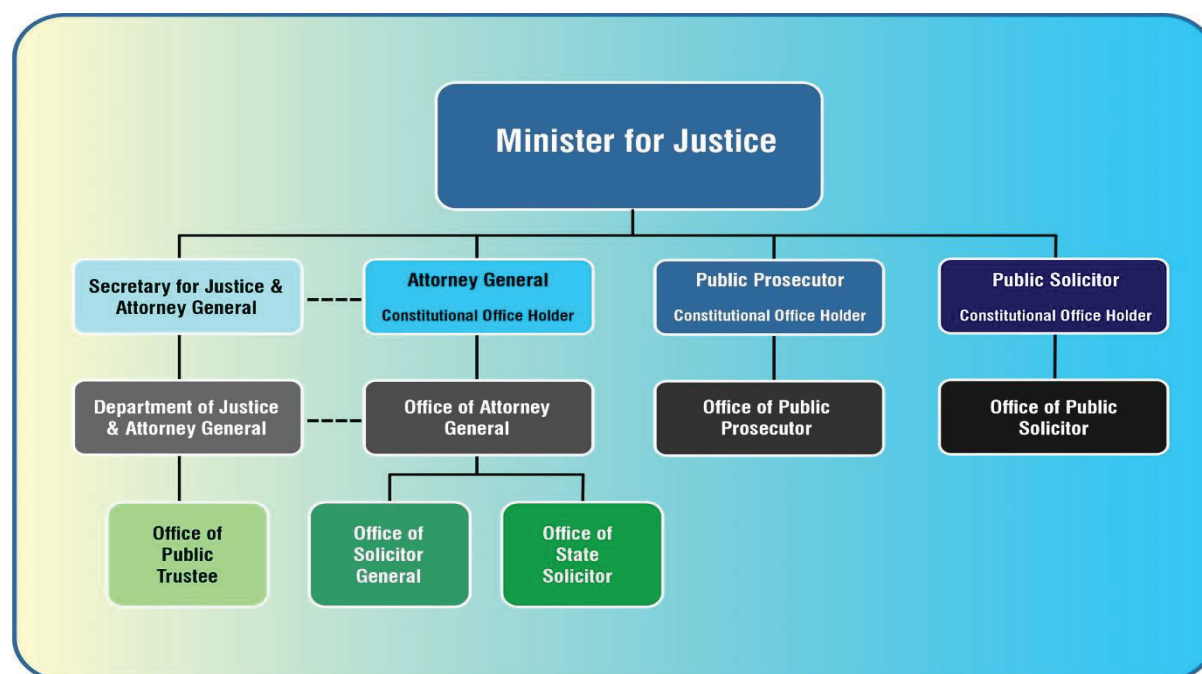


Figure 14: Structure of State Law Offices

Enhance and Strengthen State Legal Services

The Attorney-General is the Principal Legal Advisor to government and is required to represent the State and its instrumentalities against other individuals or corporations in civil disputes in court, as well as provide legal advice on matters of national interest. This role is performed under the *Attorney-General Act* 1989 and the *Claims By and Against the State Act* 1996 by the Solicitor General and the State Solicitor respectively. These two law offices are the arms of the Attorney General, which are established under Sections 10 and 13A respectively of the *Attorney-General Act*.

The Attorney General, while performing the legal service for and on behalf of the State through those two law offices, also has an important responsibility to safeguard the *Constitution*, which embeds the rights and obligations of citizens. The Attorney General is also required to intervene in matters of national interest as well as take up relator actions for and on behalf of the citizens. It is in the interest of justice, that the DJAG will conduct public awareness on the roles and responsibilities of the State legal services and further strengthen pathways to access such services.

The State Solicitor and the Solicitor General now have departmental head status under the DJAG pursuant to *NEC Decision No: 87/2022*. This means that both law offices have functional independence reporting directly to the Attorney General. With an amendment to the *Attorney-General Act*, the Office of the Solicitor General is now under the Attorney General. This structure was proposed under the White Paper 2007 and has since been accomplished. The DJAG through the Secretary for Justice will continue to support the two legal services in terms

of corporate services, budgeting, capacity building, delivery mechanisms and infrastructure, development partnership arrangements, and the welfare and wellbeing of their lawyers.

The Sector supports the role of these two law offices, especially the Solicitor General in ensuring stability by defending the executive government's appointment processes, defending the police in the discharge of their duties, defending other government departments and sectors, and the government's business interests and investments. The legal services provided by the Solicitor General and the State Solicitor remain special services that the Sector provides to the whole of government. These services are important in mitigating risks and liabilities and gives confidence to the individuals that perform public service or decision makers in the discharge of their duties.

Therefore, it is imperative that these legal services are supported by strengthening the Offices of the Solicitor General and the State Solicitor, especially in terms of the welfare and wellbeing of their lawyers. The Sector will support State Lawyers to capitalise and utilise avenues to revitalise or upgrade their advocacy and legal skills and promote their welfare and wellbeing through better and improved incentives, mentorship programs and career pathways.

Upgrade and Resource the Public Trustee

The Office of the Public Trustee provides an essential service for and on behalf of deceased estates, minors, and persons of unsound mind under the *Public Trustee Act 2020* and the *Wills, Probate and Administration Act 1952*. According to the White Paper 2007, this government service must be given strong administrative and financial support, be free from any direction and control, as well as, free of corrupt practices. Without adequate support and prudent leadership, deceased estates will fall into the wrong hands.

The Public Trustee's Office is acknowledged under the *Constitution* as a public office subjected to the Leadership Code. The appointment of the Public Trustee is made by the NEC, which acknowledges the statutory role and deemed departmental head status of the Public Trustee. The performance of its deceased estate administration roles and trustee services are free from any direction and control. This is also a mandatory requirement for institutions or persons performing a role that deal with fiduciary or trustee services. This function if supported adequately, will have a positive impact on other Sector programs in relation to vulnerable persons or groups, especially women, children, the elderly, and persons living with disabilities. It is important to note that the Public Trustee services integrate well and can help sustain the programs and policies of the DfCDR with respect to children, youth, women, the elderly, and people with disabilities. The DfCDR also focuses on "Rights based programs" with the focus on transforming people's lives and freeing them from poverty, destitution, and marginalization in the face of unequal distribution of resources and benefits.

The DJAG Organisational Capacity Diagnostic in 2018 identified essential reforms and activities that the Public Trustee must focus on as immediate interventions to realise better client satisfaction, reduced turnaround time and curb abuse of deceased estates and trust funds. These are:

- a) Upgrade the Public Trustee to Departmental Head status;
- b) Implement the *Public Trustee Act 2020* through further regulations and business processes as well as revitalise and strengthen the standard operating procedures;
- c) Improve accessibility of information on deceased estate administration and trustee services to the public, and especially invest in encouraging Papua New Guineans to make wills;
- d) Introduce a restructure and recruit more lawyers;

- e) Reduce backlog of deceased estate files;
- f) Build up staff capacity and capability on legal, financial, property and trust services;
- g) Strengthen Regional and Provincial operations;
- h) Strengthen working relationships with stakeholders; and
- i) Institutionalise strong ethical values and principles with a view to be a strong organisation against corrupt conduct.

Whilst these interventions have been considered by executive management under the DJAG's corporate planning given that the Public Trustee is currently a branch under DJAG, there are also options to move the Public Trustee under the Office of the Attorney-General, have it become a standalone organisation reporting directly to the Minister for Justice or to become a deemed department under DJAG. These options shall be further conceptualised as the outcome expected by this policy is that the Public Trustee is able to receive more funding and resources, and that most of the institutional barriers hindering its performance are being addressed.



Figure 15: Officers of the Public Trustee after the joint Wills Awareness and Paralegal Training at Lamana Hotel in 2021

Strengthen Legal Reform, Legal Policy and Legal Knowledge

The CLRC, the DJAG (through its Legal Policy and Governance Branch) and the Office of the State Solicitor all play a key role in law reform. Whilst these agencies have a critical role to play, the law reform pathway and working relationship with the Office of First Legislative Counsel, the Parliament and sponsoring agencies must be streamlined and revitalised. When legislation is put before Parliament that has not followed the appropriate processes there are negative consequences for interpretation and implementation. Poorly drafted and incomplete legislation can create more workload for the Courts and create barriers toward effective regulation and service delivery.

The CLRC plays an important role in connecting the law reform process with the people of PNG. The public must also participate in the law-making process not only through their leaders in Parliament but through expressing their views in the public consultation processes.

Additionally, the Office of the First Legislative Counsel must be supported in its technical and central role in the legislative drafting process. The sector therefore stands ready at the NCM to support this inherent system of government so that it reflects well on the government's development objectives.

To ensure meaningful support to the sub-national level, Sector agencies that have law making responsibility and expertise will support the drafting of provincial legislation and for LLG laws. This activity will be given the same level of attention and quality. The implementation of this inherent government process of law making must be carefully considered with respect to quality and costs, and that importantly, the process involves several Sector agencies that must be able to perform their roles free from any influence or biases.

The Government recognises the need to continue updating PNG's laws to reflect contemporary standards and community expectations. The CLRC plays a critical role and will continue to focus on its special constitutional responsibility on the research and monitoring of the development of the underlying law of PNG, including research and codification of custom. The CLRC will be supported to be allocated the funding and other resources that it requires to effectively carry out its traditional role as well as implementing other innovative business processes to enhance its contributions to the Sector and country. The CLRC will continue to monitor key legislation and propose changes, and tie in its thinking of law reform strategically with the government's development aspirations and become a repository of historical data on law reform, publications on law and an information hub for the public. The CLRC reports must therefore be central in developing the country's legislative framework and be implemented by those concerned agencies.

Timely and Accessible Legal Services for the Public

The Office of the Public Solicitor provides free legal services to all citizens of PNG, including those that are alleged to have committed offences. In strengthening its role to serve the people and to ensure it protects its independence, the Public Solicitor with the support of the Sector, has recently removed itself from the supervision of the Attorney General under an amendment to the *Attorney-General Act*. Additionally, in 2021 it obtained a ruling by the Supreme Court which declared that the Public Solicitor is not part of the Public Service of PNG. This position was reaffirmed by the Government with the enactment of the *Public Solicitor's Act 2021*. As such, the Public Solicitor is not subject to the *Public Services (Management) Act 1995* and is at liberty to have its own procedures.



Figure 16: Public Solicitor, Mr. Leslie B. Mamu in court

The Public Solicitor will therefore be supported by the Sector to establish suitable operational and business processes. The Office of the Public Solicitor is also embarking on an expansion and revitalisation program of its services throughout the country, which include considering the welfare of its lawyers, infrastructure opportunities and information communication.

The Legal Training Institute also provides a limited but valuable contribution through its legal aid program. The Sector also encourages the Law School of the University of Papua New Guinea to provide basic legal education services to the people in their communities.

The Legal Training Institute also provides a limited but valuable contribution through its legal aid program. The Sector also encourages law students to provide basic legal education services to the people in their communities.

Strategy 2.2: Restructure the National Judicial System



Figure 17: Judges posing for a photo after the legal year opening

The National Judicial System is established under Section 155 of the *Constitution* and consists of the Supreme Court, National Court and such other courts established under law. The establishment of those other courts are further prescribed under Section 172 and 173 of the *Constitution*, which include the District Courts and the Village Courts.

Under Section 158 of the *Constitution*, the “judicial authority of the people” is vested in the National Judicial System

and requires that “in interpreting the law, the court shall give paramount consideration to the dispensation of justice”. This judicial power is exercised by the Judges and Magistrates.

At the end of 2020, there were 14,794 civil cases and 10,863 criminal cases pending in the National Court. In total the Supreme Court had 1,195 pending cases, while the National Court had a total of 25,657 pending cases which are shared among the 40 judges of the Supreme and National Court. This translates to long delays in finalization of cases both for the civil and criminal jurisdiction. Timely adjudication depends not only on the judges, but on the lawyers, other court officers and users as well. Hence, the efficiency of the practice and procedures applicable to each court track will be considered and strengthened on behalf of the court users and those assisting the court.

To manage the growing caseload of the higher courts, and as part of the transition to a new court structure, the cap on the number of higher court judges has now been increased from 40 to 60 and progressively to 200 with an amendment to the *National Court (Number of Judges) (Amendment) Act 2023*. Other strategies that will be implemented to address the growing caseload, and the resultant backlog of cases, include greater use of Alternative Dispute Resolution (ADR) in civil matters, the rollout of digital services, more education and awareness to court users, and an expansion of the jurisdiction of the District Courts. This will also depend on the empowerment of the State Law Offices, continuous improvement in the legal profession, improvement in applying evidentiary requirements, and support to other officers of the court such as justice administration personnel.

Another strategy is the creation of a new Appeals Court in addition to the National and Supreme Courts. As discussed below, this is an important intervention by the judiciary to improve its services to the public. This goal became a reality when in June 2024, the Parliament approved the Constitutional Amendment to establish the Appeal Court which now sits between the National and Supreme Courts. The Supreme Court is the final court of appeal and can review decisions of the National and Appeal Court and has any other powers conferred by law. The Appeal Court hears all appeals from the National Court and the National Court hears serious criminal and civil matters and appeals from the District Court.

Restructure the Judiciary, Introduce Appellant Court, and Increase number of Judges

An independent, impartial and competent judiciary is essential to upholding the rule of law and dispensing justice. The judiciary must also have the confidence of the people and be accessible to all. Justice must be within reach of every Papua New Guinean, including our most vulnerable, particularly those with disabilities, marginalised groups and remote communities. Under the White Paper 2007, reforms to the court structure of Papua New Guinea was given prominence in response to the growing caseload and perceived limitations in the courts' appeals process. In March 2010, following an extensive consultation process, the judiciary made a series of recommendations for reform in its report on *A 21st Century Court Structure for Papua New Guinea*. These recommendations included changes to the higher court structure were acknowledged and endorsed by *NEC Decision No:118 of 2014*. These were:

- a) Separating the Supreme Court from the National Court with judges appointed to each court on a full-time basis; and
- b) Creating a new Court of Appeal, also with judges appointed on a full-time basis.

A court restructure committee comprising of a number of judges was established and supported by National Judicial Staff Services to drive these reforms. The Sector thanks the Government and Parliament for finally approving the Higher Courts Restructure with amendments to relevant provisions of the *Constitution* in June 2024. The Sector will work closely with the judiciary to fully implement the Higher Courts Restructure program. This program will involve a number of policy, legislative and procedural reforms to enable the implementation of the Higher Courts Restructure.

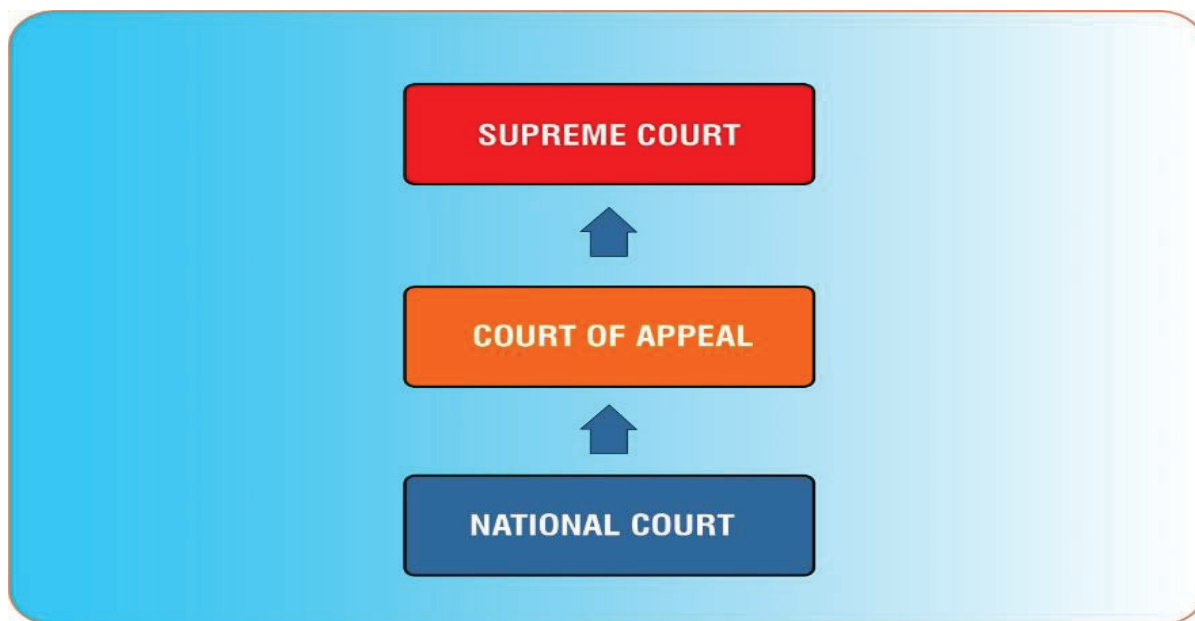


Figure 18: Approved Higher Court Structure

To also improve on the quality and performance of Judges, the PNG Centre for Judicial Excellence will be supported by the Sector in terms of its infrastructure program, curriculum and expert personnel. This premier institution for justice administration will continue to offer quality training to judges, magistrates, lawyers, justice administration officers, court staff and other relevant stakeholders.

The Judiciary's *Corporate Plan 2023 - 2028* provides for the activities that will assist the Judiciary in reaching its target of providing timely adjudication and reducing the backlog of cases. This will include supporting the National Judicial Staff Services in its organisational

reforms, building its capacity and rolling out its services to support the expansion of the Judiciary throughout the country.

The Judiciary is also embarking on an infrastructure program for its court houses which will be of professional standard and equipped with modern facilities. Besides its standalone infrastructure project, the Judiciary also considers the opportunity to use other acceptable Sector infrastructure around the country to conduct its court circuits. For example, the Community Justice Service Centre at the Angoram District in East Sepik Province has been used for a number of hearings by the resident Judges since its opening. The Judiciary is also committed to strengthening its working relationship with the Sector and the Provincial Governments on these type of projects so as to manage its interest and those of other Sector agencies.



Figure 19: The new soon to be opened national, appeal and supreme court complex in Waigani, NCD

Strategy 2.3: Increase the Jurisdiction of the District Courts

Reforms to the District Courts have also been contemplated for some time under the direction of the JLSC, culminating in the publication of a report in October 2021, *Envisioning the Lower Courts Reform*. The report restates a proposal from the 2007 White Paper to increase the civil and criminal jurisdictions of the District Courts, which are more accessible to our communities and can be more responsive to community needs. This reform is reflected in the Magisterial Service Strategic Corporate Plan 2021 -2025 with the support of *NEC Decision No:118/2014* and the *District Courts (Amendment) Act 2009*. This remains a priority for the Magisterial Services and with the support of the Sector, it can achieve this objective within the short to medium term so that more matters are determined by the lower courts (which will assist to relieve the higher courts). The civil jurisdiction of the District Courts will be increased from K10,000 to K50,000 as soon as practicable. Within 5 years, consideration will be given to further increasing the civil jurisdiction to K100,000. The criminal jurisdiction of the District Courts will also be increased so that Principal Magistrates can try summarily all offences under the *Criminal Code* (Schedule 2). This will mean the type of sentences will increase both in terms of fines as well as imprisonment to 10 years. Consideration will also be given to adding additional offences to the Schedule 2 list.¹⁰

¹⁰ See Annexure A to the report on “A 21st Century Court Structure for Papua New Guinea”.

Expanding the jurisdiction of the District Courts will only be effective if Magisterial Services is adequately funded and resourced, including to ensure there are sufficient qualified Magistrates in response to the growing caseload. There is a current shortage of Magistrates, with a high turnover rate and challenges in attracting quality candidates to join the magistracy. There are only 85 Magistrates serving all the 96 districts of the country. This is not adequate given the creation of new districts and other 400 circuit locations throughout the country. Unlike the judges, the Magistrates can only perform their role within the provincial and district geographical boundaries. These District Court boundaries are prescribed in the National Gazette. The effect is that, if the police charge someone for an offence committed within a district or province, that matter cannot proceed if a District Court has not been gazetted for that district or province. Whilst the gazettal can take time, the other important concern is finding a Magistrate and building modern District Court houses in the Districts.

Within their jurisdictions, individual Magistrates are required to handle a multitude of cases ranging from criminal, civil, family, land, coronial inquests, juvenile, traffic, fisheries and the supervision of Village Courts. The Magistrates are empowered to screen all criminal matters through the Committal process to ensure that it meets the standard for a trial at the National Court. The Sector acknowledges and appreciates the Government through the JLSC for supporting the increase in the number of Magistrates from 123 to 200 and increasing funding to the Magisterial Services. The Sector will continue to support the reform programs of the Magisterial Services so it can effectively deliver its services to our people.

The government will work with the JLSC on initiatives to recruit and retain talented lawyers to serve as Magistrates. These initiatives include:

- a) Resolving arrangements for Magistrate's pensions as a matter of urgency;
- b) Reviewing the conditions of employment for Magistrates to ensure a fair and competitive package is offered;
- c) Improve screening and performance monitoring;
- d) Enhancing professional development programs through the PNGCJE; and
- e) Utilising Reserve Magistrates, including by re-engaging retired magistrates under more flexible work arrangements.

The Magisterial Services budget has seen some increase in the last two years and hopefully the government can continue this initiative so that it can achieve at least more than 40% increase from its past budget of K4 Million in goods and services received over the last 10 years.

Like the higher courts, the District Courts will prioritise alternative dispute resolution as a means of resolving civil disputes, consistent with the focus in this Policy on restorative justice and PNG ways of resolving disputes. To improve access to justice and reduce backlogs in the justice system, the Magisterial Services will also work under the guidance of the JLSC to investigate the option of establishing a small claims court or simplified procedure for small claims. The design and operation of the ADR system and small claims procedures must be efficient and cost-effective to users and the government. As part of the lower courts reforms, the Magisterial Services will also review its court fees to ensure they balance access to justice and the ability of people to pay with the administrative burden on the courts and the need to discourage frivolous litigation.

The Magisterial Services will continue to give priority and focus on summary offences with the aim of curbing the escalation of lawlessness into violent behaviour or even indictable offences. It will prioritise matters involving children with the aim of promoting diversion and

community-based conferencing as envisaged under the Juvenile Rehabilitation and Reintegration Policy 2021-2031 and the Probation Rehabilitation and Reintegration Policy 2024-2029. It also stands firm toward enhancing its role as the level of justice administration responsible for ensuring indictable offences are appropriately processed and screened through the committal process to support the efficiency and effectiveness of the higher courts.

The District Court Land Courts Division will aim to become more efficient in dealing with customary land title disputes and strengthen the working relationships and referral pathways with other stakeholders such as the Provincial Administrations, DJAG, Lands Commission, Department of Lands and Physical Planning and other stakeholders. The existing administrative facility responsible for dealing with land disputes is the Provincial Land Dispute Committees which was supported under the White Paper 2007 and the National Land Development Program¹¹. As an important agenda for the Sector, the relevant Sector agencies will collaborate under this Policy to design a system to deal effectively with land matters to empower citizens to participate meaningfully in economic development.



Figure 20: Senior Provincial Magistrates' Conference in Port Moresby

Strategy 2.4: Revitalise the Village Court System

No strategy is more important to delivering on the government's commitment to preventing crime and improving access to justice than the revitalisation of the Village Courts. As a unique hybrid structure that links the formal justice system and customary dispute resolution, Village Courts play a critical role in justice administration at the community level. They are the heartbeat of the rule of law in Papua New Guinea. While improvements have been made to the operations of the Village Courts over the last decade, they continue to lack resources and administrative support. The Village Court system will be strengthened to realise its potential as a crime prevention mechanism. This remains an avenue to resolve community-based

¹¹ The National Research Institute, 2010. *The Genesis of the Papua New Guinea Land Reform Program*. Port Moresby: National Research Institute.

disputes which if adequately supported and utilised, can significantly restore peace and prevent the escalation of disputes into acts that are violent or criminal in nature.

At the same time, Village Courts should not be regarded as a panacea for the country's law and order challenges. They must not exceed their jurisdiction and need to work in close collaboration with the District Courts, as well as other justice agencies and community groups, to support peace and harmony in their communities.

The government's vision for mobilising a self-sustaining Village Courts system is set out in the *Crime Prevention Through Revitalized Village Courts System Strategy 2020-2030*. The objectives of the Strategy are:

- 1) Promoting the public performance of justice through the construction of Village Court houses in all 1,680 Village Court areas nationwide, enabling all parties to actively participate in the conflict resolution process;
- 2) Mobilising civic active participation in development, planning and implementation of community-based crime prevention measures;
- 3) Promoting stronger engagement of non-state actors including churches in the oversight of prevention, reduction and management of crime;
- 4) Improving ability to manage the Village Court system and promote accountability and good governance in the system;
- 5) Improved access to an effective and efficient community policing and access to justice services at the community level; and
- 6) Improved quality and standards of reporting by the Village Court officials by recruiting suitably qualified individuals to perform clerical responsibilities.

Priorities to deliver on these objectives include a comprehensive review of the *Village Courts Act 1989*, establishing Provincial Village Court Committees to ensure the effective functioning of the Village Courts in each province (with secretariat support from Provincial Liaison Officers), and the recruitment of a highly literate cadre of peace officers and court clerks. The Papua New Guinea Centre for Judicial Excellence will also take a more prominent role in training Village Court officials. Moreover, arrangements with other training institutions and universities are being initiated and will be supported by the DJAG



Figure 21: Village Court Magistrates Training in Southern Highlands

Strategy 2.5: Strengthen Customary Land Dispute Settlement System



Figure 22: Signing of a tri-partite Western Provincial Land Dispute Settlement Committee MoU between Western Provincial Government, Magisterial Services and DJAG towards revitalising the land dispute settlement system

Land disputes, and delays in resolving them, cause significant social and economic disruption in Papua New Guinea and holds back the country's development. Since the National Land Summit in 2005, there have been growing calls for reform of the land dispute settlement system to improve its efficiency and effectiveness. The 2007 White Paper proposed the following principles to guide government in its reform efforts, which remain relevant:

- a) Land disputes involve individuals, families and clans in matters that typically are complex, with multi-layered, emotional dimensions. They are often about genealogy, custom and possession. In these circumstances justice is best served in the first instance by having an accessible dispute mechanism that is as close as is possible to the dispute and the parties, i.e., a local forum, using local languages in a manner that encourages mediation and the preservation of peace and harmony in the community;
- b) The majority of land in Papua New Guinea is customary owned. Disputes should be resolved with the customary laws of the people being an integral facet of the process, not a residual overlay. Land disputes and customary law are inextricably linked;
- c) Disputes within families about the use of land should be resolved by those families; Mediation within the village courts is an appropriate forum for these disputes;
- d) Disputes within families and between clans over ownership and boundaries should be able to enter the formal system with relative ease at the local level. Disputing parties need immediate access to functioning formal dispute resolution processes;
- e) Appeals from local courts in all matters should be available, but not encouraged; and
- f) Matters of national and or economic significance need direct access to a reliable mechanism that applies consistent effort and knowledgeable expertise in resolving the issues quickly in the national interest, guided by legal principles, natural justice and custom.

Since the publication of the White Paper 2007, a Land Court has been established as a division in Magisterial Services headed by a Deputy Chief Magistrate. The Land Court deals with

appeals from the Provincial Land Court. Recently the Government established the Land Commission under the *Land Commission Act 2022*. The Land Commission assumes the role of the National Land Commission and the National Land Titles Commission. The new Land Commission will be responsible for tenure conversion and the settlement payments over national land (not customary land disputes). Building on these reforms, and consistent with the principles above, the government is proposing the following approach to resolving land disputes:

- a) Land use disputes will be resolved by the Village Courts with appeals to the District Court;
- b) Land-ownership or boundary disputes will be resolved by local land mediators under the supervision of the Local Land Court;
- c) Review and revitalise the *Land Dispute Settlement Act* to ensure land disputes are resolved speedily and with less cost to bring certainty to the use and management of customary land;
- d) Provincial Land Dispute Committees will be revitalised to be more effective in managing the land mediation process, with secretariat support provided by Provincial Liaison Officers;
- e) Specialist Magistrates will be appointed to dispose of land dispute matters and address the backlog of land dispute cases; and
- f) Strengthen the role and functions of the new Land Commission of Papua New Guinea which will provide an independent quasi-judicial process to determine tenure conversions of customary lands and claims to national lands including settlement payments.

The DJAG has managed to progress legislative reform resulting in the enactment of the *Land Commission Act* in 2022 which is now in operation. This reform has effectively merged the Land Titles Commission and the National Lands Commission, delivering the administrative structures and organisational reforms necessary to make the Land Commission an independent quasi-judicial body responsible for land tenure conversion and the determination of settlement claims over national lands. To ensure efficient and timely dispensation of justice in the overall land dispute settlement process, the Sector expects that the Land Commission will continue to improve and strengthen its communication with stakeholders, referral pathways and business process. A further blueprint of the quasi-judicial body's organisational reforms is being developed and supported by the Sector. The Land Commission will continue to enhance its role in determining settlement claims over national land and endeavour to reflect the governments aspirations to free up customary land for socio-economic development.

Strategy 2.6: Promote Accessible and Timely Dispute Resolution

The Sector commits to contributing effectively towards the timely access and dispensation of justice through other administrative or quasi-judicial means. It supports these processes as being avenues also by which disputes of any type can be resolved and epitomises justice and its accessibility at all levels of society. The Sector acknowledges these avenues as part of the country's overall justice administration process, which has a direct contribution towards the Sector's objective of a just, safe and secure society. A careful consideration of issues and decision making at a tribunal for a specific matter can result in a significant decrease in dissatisfaction or disharmony in either personal or business relationships leading to a reduction or de-escalation of conflict and protracted disputes. As the country develops with new legislation, industrial and business applications and standards of living, it will need other

avenues apart from the courts to resolve disputes that involve experts, that have fewer procedural requirements, are less costly and faster in resolving disputes.

The Sector will explore the potential of these avenues through the DJAG and the CLRC so that matters regarding employment, discipline, industrial disputes, immigration, taxation, recreation, regulatory, trade and inter-governmental disputes are properly managed. The Sector acknowledges the government and Parliament for the recent passage of the *Arbitration (Domestic) Act 2024* and *Arbitration (International) Act 2024* in July 2024 that now provides the legal framework for the resolution of domestic and international commercial disputes. The Judiciary and the DJAG and other agencies will work together to ensure the objectives of these laws are achieved in the medium to long term



Figure 23: A group photo of the Participants of the Final Validation Workshop for the State-CSO Partnership Policy 2024-2034 with the Department Secretary Mr Jerry Ubase (Middle) outside the APEC Haus, Port Moresby, 12 September 2024

Objective 3: Improved Crime Prevention and Community Safety

It is imperative that the current crime rates must be reduced as per the target in this Policy and the MTDP IV. This will enable the country to achieve its fullest potential in socio-economic development. This objective in supporting the formal criminal justice system, will also enable the integration of interventions that are based on research, community and local solutions.

Strategy 3.1: Deliver Integrated Crime Prevention Programs

The MTDP IV 2023-2027 clearly states that socio-economic development succeeds on safer communities. This is the primary responsibility of the Sector. A reduction in the crime rate is therefore crucial. A policy or strategy on crime prevention will be developed to drive the government's commitment on crime prevention with the Sector taking the lead.

The objective of this Policy is to integrate the existing formal criminal justice system with other initiatives, whether formal or informal, and provide the platform for investment in activities toward reducing, preventing and managing crime and violence. The crime prevention policy or strategy will be implemented and evaluated as a key strategy of this Policy to achieve its target of reducing the crime rate.

Strategy 3.2: Strengthen and Revitalise the Criminal Justice System

The criminal justice system is primarily retributive, which is intended to act as a deterrent for criminal acts and recidivism. The Sector also acknowledges rehabilitation and restorative justice as key components of the PNG's Criminal Justice System. The effectiveness of the criminal justice system depends on the performance and standards of the respective agencies that have a role in it. The agencies concerned with their respective roles can be illustrated as follows:

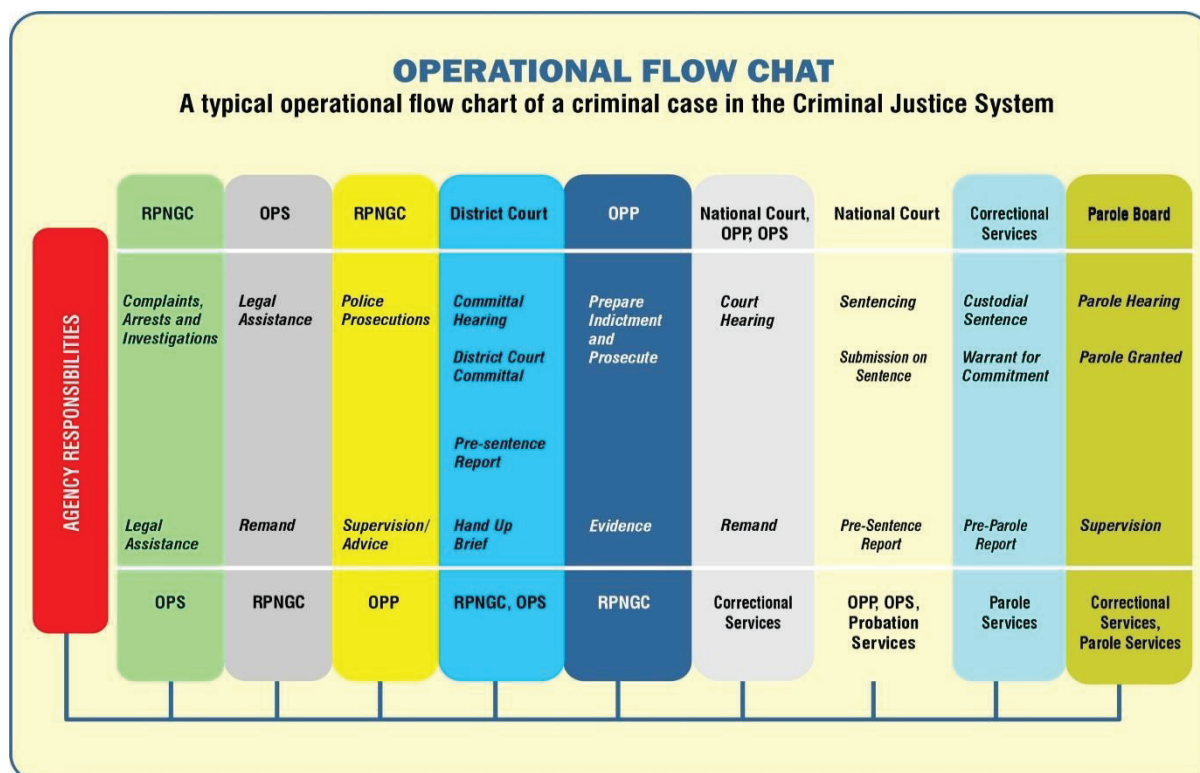


Figure 24: A typical Operational Flow Chart of Criminal Justice System

The criminal justice system is responsible for criminal investigations, prosecutions and convictions of summary and indictable offences with either custodial or non-custodial sentences. The agencies in the system are operationally independent and free from direction or control. This independence is essential for individual agency's organisational performance and must be strengthened to play an active role in the criminal justice system. However, for the system to be productive, the Sector agencies will work collaboratively and act systematically. This will enable support to each agency as they play an integral part of the system, and that challenges experienced by an individual agency are felt and dealt with holistically.

In supporting this system, the Sector has received support from government as well as development partners on law reform, infrastructure, capacity building, policies, organisational reform and strategic partnerships. These investments have managed to maintain the system and have had some success. However, the contemporary demands by government to secure its development aspirations and for society to live peacefully, means that further improvements are inevitable. The rationale therefore, to revitalise the criminal justice system is supported by Sector agency institutional diagnostics and corporate plans, Sector performance reports and external reviews. The Sector performance monitoring framework also provides useful insight on how to better this system.

This Policy will therefore streamline existing programs and focus the Sector's attention on those areas of improvement through strategic planning, policies and institutional reforms. The priority for the Sector will be to invest in maintaining the basic roles and responsibilities in the criminal justice system at acceptable standards. These are:

- a) To ensure that frontline policing is given the required support;
- b) Complaints handling, investigations, and evidence gathering are of acceptable standards;
- c) Police prosecution capacity building is supported;
- d) Committal Court proceedings are supported with specialised Magistrates;
- e) The Office of the Public Prosecutor is properly resourced;
- f) National Court hearings have an improved turnaround time for judgements;
- g) Rehabilitation and restorative justice programs are streamlined and given prominence.

This strategy must be considered within the context of other relevant and complementary strategies under Objectives 1 and 2.

Besides the need to improve on the basic services in the criminal justice system, the Sector is faced with the challenge of responding to new trends and sophisticated criminal conduct. With new offence provisions created under legislation to deal with transnational and organised crime, the Sector will build its capacity to respond strategically and with modern standards. Maintaining standards and consistency in essential services can strengthen the system to manage and deal with other more sophisticated and organised criminal behaviour.

The Sector envisages an improved feeling of community safety by improving its performance. The Sector also appreciates the need to make the criminal justice system the inherent crime prevention mechanism by adopting and institutionalising new ideas and systems. These include creating and strengthening partnerships, identifying and combating corrupt practices, and involving other sectors and accommodating their aspirations toward the welfare of PNG citizens.

3.2.1 Support frontline Policing, Investigations and Prosecutions

Police are at the forefront of the criminal justice system. Despite ongoing challenges, the police continue to perform their duties to ensure that offenders are arrested, investigated, and prosecuted. This is evidenced by the number of persons in remand and convictions by the courts. The police will require consistent support in ensuring safety and security of our people and communities.



Figure 25: Members of Family and Sexual Violence Unit headed by Chief Inspector Delilah Sandeka (5th from left).

The RPNGC Corporate Plan 2021-2030 adopts a number of Key Performance Indicators that include delivering projects and activities at district and local level government. This coincides with the Minimum Service Delivery Framework and is a new approach toward making police presence felt at the community level. These measures in terms of organisational reforms, capacity building, personnel welfare, infrastructure will support build a modern police service for PNG have been captured in the Corporate Plan. The RPNGC's vision 'To be a professional and trusted community-orientated Police Service that secures a safe community in partnership' is well articulated and captures the type of service our citizens deserve.

The PNG Development Strategic Plan 2010-2030 calls for an increase in police to population ratio to 1:600 by 2030. In its Corporate Plan 2021-2030, the RPNGC targets an expansion of uniform members and an increase in the police to population ratio. This is a target for the RPNGC and must be carefully considered in regard to active police personnel alongside those that are involved in administrative responsibilities and other specialist areas. Whilst it has been a challenge to reach that target, the RPNGC has refocused on improving the quality and performance of existing personnel, engaging more with the community and other stakeholders on community safety issues and programs, and having the facilities to improve efficiency in undertaking existing police functions.

The RPNGC under its Police Reform Enhancement Program, Strategic Partnership Engagement Unit, and Provincial and District Police Development Plans aims to deliver modern services under the RPNGC Governance and Accountability Integrated Framework.

The Sector will support the RPNGC by ensuring that:

- a) Existing police personnel welfare is attended to;

- b) There is adequate investment into the performance of officers involved in investigations and prosecutions and that there is consistency in quality of output;
- c) Community safety be supported with police presence;
- d) Reforms, plans and policies to transform and modernise policing are supported; and
- e) Timely response to complaints that can have the support of other stakeholders and the community and improve on personnel discipline in curbing abuse of police powers and opportunities for corrupt conduct.

The increase in frontline or community policing to deter unlawful behaviour with consistency in investigations and prosecutions can be able to make significant gains for the Sector in reaching targets.

The Sector acknowledges the recent reforms to the RPNGC with the merger of the Department of Police into the police force. This is a positive intervention which will stabilise the RPNGC. The Sector also commits to support the RPNGC in implementing the recommendations of the Commission of Inquiry into the RPNGC which is currently underway.

3.2.2 Improve the Committal Process and Prosecution of Schedule 2 Offences

The quality of prosecution, particularly in the Committal process is critical for the service of justice. It is therefore imperative that the District Court's Committal process is strengthened and the police prosecution division and the OPP are provided adequate support to effectively supervise the criminal court administration process, and the Courts empowered sufficiently to deal with committal cases. The OPS provides an important service to the public, and to those especially accused persons in the country. It continues to play an active role in the District Court Committal hearings as well as the National and Supreme Courts in terms of indictable offences. It is through this collaboration that the essence of the rule of law is realised.

There are 75 indictable offences triable summarily in the District Court by Grade 5 Magistrates. These offences are provided under Schedule 2 of the *Criminal Code*. There is an immediate need to improve the standard of prosecution of Schedule 2 offences to provide timely and quality decisions as the increased backlog of these cases adds to the remand population at correctional facilities. The key concerns are associated with the preparation of case files, advocacy skills and how evidence is collected and presented. These offences tend to escalate unruly behaviour or encourage more serious violent or criminal acts. Therefore, strengthening the District Court as well as investigations and prosecutions at this stage of the criminal process strategically disrupts the increase of law and order problems.

The Police Prosecutors are responsible for the prosecution of Schedule 2 offences. The RPNGC Corporate Plan envisages improvements in police prosecution, which is part of their planned organisational reforms. However, given the increase in the criminal jurisdiction of the District Courts, there is also the opportunity to have Schedule 2 offences prosecuted by State Prosecutors or trained prosecutors from the OPP. This will be properly conceptualised in the OPP's corporate planning and the RPNGC's organisational reforms. Therefore, the options to consider in improving the prosecution of these offences include:

1. The successful convictions result in the collection of fines for some offences. This contributes toward revenue collection;
2. The Police Prosecution Directorate improve its prosecution of Schedule 2 offences and also build its' capacity to assist the District Court's increase in criminal jurisdiction; or

3. The prosecution of Schedule 2 offences be relinquished to the OPP given also the restructure in the District Court's criminal jurisdiction, and that the OPP be resourced with adequate number of lawyers or trained prosecutors to attend the District Court.

3.2.3 Strengthen the Office of the Public Prosecutor

The OPP is established under Sections 176 and 177 of the *Constitution* to control and exercise the prosecution function of the state. The OPP prosecutes indictable offences under the *Criminal Code* and criminal offences under other pieces of legislation. It is the function of the OPP to present indictments and prove that a person is guilty of a crime. A conviction by the court results in peace, community safety and justice through the incarceration or non-custodial sentence imposed on the offender.

The increase in the jurisdiction of the District Court and the number of judges within the Judiciary will place considerable demand on the existing State Prosecutors and resources. The OPP's budget for the last five years has been inadequate and there has not been any substantial reform to increase the OPP's capacity to meet the growing number of criminal cases. Over the past years, the OPP has experienced a large turnaround of State Prosecutors. Unlike other areas of legal practice, criminal law practice and procedure is quite technical, and it takes time to build the capacity of a lawyer to a stage where they can be ready to present indictments. In order to present indictments, lawyers at the OPP are assessed and recommended to be appointed by the Head of State.

The OPP has currently 21 State Prosecutors and 28 Legal Officers with the current number of cases per State Prosecutor in a year is at one lawyer to 60 cases. The challenges experienced by the OPP to deliver its mandate are not only limited to its capacity but that of the Police, District Courts and other stakeholders.

New legislation has been developed that requires the OPP to prosecute and provide technical advice in relation to money laundering, terrorism, human trafficking and people smuggling, illicit trade, tax evasion, financial crimes, narcotics or controlled substances, cyber-crime, and corporate fraud. The OPP is also challenged to meet community expectations to deter the increase in FSV, SARV and corruption through its prosecution role. This adds to the workload of the OPP.

Therefore, the Sector will support the OPP to:

1. Increase the number of State Prosecutors by 10 every year over the next five years;
2. Improve the terms and conditions of State Prosecutors and lawyers;
3. Improve the capacity and expertise of lawyers; and
4. Improve office accommodation, including increased subnational presence and build strong corporate governance.

A retention strategy for suitably qualified prosecutors will assist the courts to significantly progress the backlog of criminal cases as well as provide a pool of criminal lawyers that may serve as Judges or Magistrates in the future.



Figure 26: Lawyers from the Public Prosecutors Office attending to court duties

3.2.4 Support and Strengthen Statutory Prosecutions

There are a number of regulatory organisations that have prosecutorial powers for offences under their enabling legislation. These organisations seek the consent of the OPP to prosecute statutory offences, and include the Customs Service, PNG Immigration and Citizenship Services, Independent Commission Against Corruption, National Fisheries Authority, Internal Revenue Commission, and others. The Sector strategy is to support these institutions to perform these regulatory or statutory prosecutions to relieve the OPP to focus more on criminal cases. In practice, there will still be a direct link between statutory prosecutions and the OPP because the Public Prosecutor must give his or endorsement before the organisation proceeds with the prosecution of a crime under its legislation. The OPP is responsible for ensuring that these organisations have the capacity and resources to effectively prosecute their cases.

These avenues can be further strengthened by having a close working relationship with the OPP and streamlining the prosecutorial functions. The police, as well as other law enforcement agencies, must be at liberty to seek independent advice from the OPP on new offences, practice and procedure and evidence handling. As mentioned, the effectiveness of the OPP depends also on the performance of the police in terms of investigations and collection of evidence.

3.2.5 Reduce Backlog in Criminal Justice System

The backlog of cases in the criminal court track has directly resulted in the overall increase in the number of remandees and the prison population overall and compromised the performance of the police and the State Prosecutors in securing convictions. The number of remandees in the last five years has on average comprised more than 35% of the prison population with the longest held in detention for 10 years. The Sector will address this issue seriously in its organisational decision making as well as performing its functions, as a delay in submissions, evidence gathering, and court hearing dates will continue to protract the issue with negative consequences on the Sector and the country.

The OPP also takes on the responsibility of working with police to execute the increased number of bench warrant cases pending before the National Court nationwide, with some cases going as far back as 1984.

The maintenance of remandees in addition to prisoners has cost implications ranging from rations to their emotional wellbeing. This also puts a considerable emotional and physical burden on the Correctional Services officers, infrastructure and other resources.

The strategies being discussed and the measures to be taken under this Policy will have a direct and positive impact in addressing these concerns. To reaffirm, these include the increase in number of judges and improvement in investigations and prosecutions as well as legal services to those accused. The Sector acknowledges that the increase in the number of remandees and the prison population is not a matter only for the Correctional Services.

Strategy 3.3: Improve Responses to Stop Violence

The Sector acknowledges that the trend of violence in PNG has increased given the reports received through the formal criminal justice system, as well as the community perceptions of violent behaviour. The type of violence that the Sector intends to address through this Policy is in relation to FSV/GBV, SARV and tribal violence.

As it is appreciated, there may be adequate legislation and policies already in place to initiate action against these types of violent behaviour. Therefore, the Sector will identify and work on appropriate Strategies to address the types of violent behaviour, either practiced individually or in groups. The Sector will develop strategic approach which will involve existing institutions and systems as well as new initiatives.

3.3.1 Family and Sexual Violence and Gender Based Violence

The prevalence of FSV and GBV in the country requires the Sector to act strategically to attend to complaints, as well as curtail the underlying causes of this scourge and develop strategies to prevent and reduce this problem. There has been a raft of legislative interventions by government over the years which include the *Criminal Code (Sexual Offences and Crimes Against Children) Act 2002*; *Family Protection Act 2013*, *Family Protection Regulations 2017*, *Juvenile Justice Act 2014*; *Lukautim Pikinini Act 2015*, and the *Summary Offences (Amendment) Act 2018*. Recent legislation passed by Parliament includes the 2022 amendments to the *Criminal Code* on SARV offences and amendments to the *Family Protection Act*. Most of these pieces of legislation involves the Sector's law enforcement, prosecutorial, adjudicative, rehabilitative and corrective services. Although these laws are in place more emphasis will be given to enforcement.

The PNG National Strategy to Prevent and Respond to GBV (2016-2025) is the government's policy framework to:

- a) Provide a roadmap a whole of government response through policies, laws and programs;
- b) Ensure that by 2025 there is a robust governance and institutional framework for GBV;
- c) Standardise and institutionalise data collection, and facilitate ongoing in-depth research to support evidence-based planning, budgeting and programming to end GBV;
- d) To ensure quality, continuity and sustainability of coordinated responses, referrals and service delivery for survivors of GBV; and

- e) Scale-up, decentralise and standardize inclusive, quality initiatives and messaging for prevention of GBV.

The Sector through its responsible agencies will continue to support and increase its efforts to implement the PNG National Implementation Plan to Prevent and Respond to Gender Based Violence 2016-2025.

The Sector agencies form the core of the government's team responsible to prevent and respond to FSV, GBV and SARV. The Sector acknowledges that all survivors of FSV, GBV and SARV have the right to be protected under the law by the State. Legislative and policy reforms have been led or implemented by DJAG in collaboration with the other Sector agencies. The RPNGC is the entry point to the formal criminal justice system where survivors seek protection (and lay complaints against perpetrators, so that they may be investigated and prosecuted). The Police are responsible for prosecuting schedule 2 offences at the District Court, while OPP is responsible for the prosecution of serious FSV, GBV and SARV offences at the National Court.

A strong health response is also essential for survivors requiring medical examination and treatment and plays a key role in both investigation and prosecution of FSV, GBV and SARV. Medical circulars from the Department of Health banned the charging of fees for any medical response to FSV cases. The District and National Courts' role is to weigh evidence and determine penalties and sentences for FSV, GBV and SARV perpetrators. It is acknowledged that increased and ongoing resourcing and capacity development for the Sector in this space is critical.

Civil society organisations, faith-based organisations, safe houses, counselling organisations, informal networks and human rights defenders offer a range of support to FSV, GBV and SARV survivors, including counselling, referrals, temporary accommodation/shelter, advocacy support, repatriation and reintegration. The DfCDR has oversight of the coordination of the National GBV Strategy and the management of government funding for initiatives responding to FSV, GBV and SARV. The FSVAC, formerly housed under CIMC, has been integrated into DfCDR and CIMC will continue to provide technical support to the Department.

The recent Parliamentary Inquiry on GBV highlights the critical role of the Law and Justice Sector in protecting survivors and responding to perpetrators. Recommendations from the inquiry will be used as guidance for the Sector's response and resourcing of FSV, GBV and SARV.

Civil society also plays a key role in responding to FSV in conjunction with the Sector through the DfCDR. The DfCDR also places the Sector strategically to make a meaningful contribution from a preventative and restorative dimension. The Sector will continue to support the DfCDR initiatives and programs in this regard with a view to supporting the SSF.

3.3.2 Sorcery Accusation-Related Violence

SARV is a serious problem in PNG affecting both men and women, through discrimination and stigmatization, banishment, extreme violence, torture and death. However, women are nearly twice as likely to be killed, experience serious physical harm or be displaced from their homes than men. SARV also impacts the children of those accused, has devastating impacts on entire communities, leads to psychological trauma, erosion of trust and causes violent reprisals. The 2020 Special Parliamentary Committee on Gender Based Violence estimated that between 2000 and 2020, there were over 6,000 violent SARV incidents, with an estimated 3,000 deaths nationally.¹²

¹² Special Parliamentary Committee on Gender-Based Violence, Inquiry into Gender-Based Violence in Papua New Guinea, Report to Parliament, 2021, 43

In 2013, widespread publicity and public outcry in response to the deaths of two women accused of witchcraft brought national attention to the problem of SARV. The government responded by repealing the *Sorcery Act* 1971 and creating a new provision in the Criminal Code, which states that any person who intentionally kills another person on account of an accusation of sorcery is guilty of wilful murder.¹³

The SARV National Action Plan (NAP) was developed in 2014 to provide a coordinated multi-sectoral approach for government agencies and civil society organisations to respond to, and work towards, the prevention of SARV.

The key objective of the SARV NAP is to address the violence caused by those who accuse others of sorcery and to break the link between sorcery accusations and violence, deal effectively with perpetrators, address the needs of survivors and restore security to the community. These objectives require strategies that cross over multiple sectors and stakeholders, including through:

- a) Care and counselling;
- b) Advocacy and communication;
- c) Legal protection;
- d) Health sector response; and
- e) Research.

A SARV NAP Committee was established in 2015 under the leadership of DJAG. Some progress has been made in terms of networking between stakeholders; keeping the issue on government and donor agendas; supporting training for police and village court magistrates; and furthering research.¹⁴ The recently approved revised SARV NAP by the government will be implemented from 2024-2029 to address ongoing and emerging issues in this area.

In 2019, the National Churches Strategy to address SARV was developed and signed by representatives of the four main line churches in PNG. Additionally, in 2022, amendments to the *Criminal Code Act* introduced new provisions to criminalise SARV and the *glasman* and *glasmeri* who are often involved as accusers in such cases.

While these are positive steps forward to addressing SARV, there is more that the government, and the Sector specifically, can do. The Sector plays a key role in preventing and responding to SARV and will prioritise the revitalization and implementation of the SARV NAP. There is an opportunity for the Sector to further increase investigation and prosecution of SARV through its agencies, as well as build and encourage strong partnerships with civil society organisations to provide a coordinated response to address this scourge.

Strategy 3.4: Integrate with Community Development Programs

The DfCDR has a role in ensuring PNG citizens receive care and support to become better citizens in their respective communities. This is critical towards creating and sustaining the rule of law and community safety. It is therefore imperative that the Sector formally integrates its various functions and policies toward community safety, especially with those of the DfCDR. These include streamlining Sector policies or programs with the DfCDR's policy platforms on "Integration, Rehabilitation, Prevention, Protection, Empowerment, Advocacy and Awareness". The embodiment of these key pillars into the Sector operations will generate positive results including:

¹³ *Criminal Code* 1974, s299A

¹⁴ *Ibid.* 44

- Integrate and support the DfCDR media and communication platform with the Sector communication strategy for awareness and information dissemination;
- Establish clear working relationship and referral pathways with child protection officers, welfare officers and other relevant officers in the Sector;
- Integrate rehabilitation, counselling and family services with Sector functions and programs; and
- Share and optimize infrastructure, office and facilities in the communities.

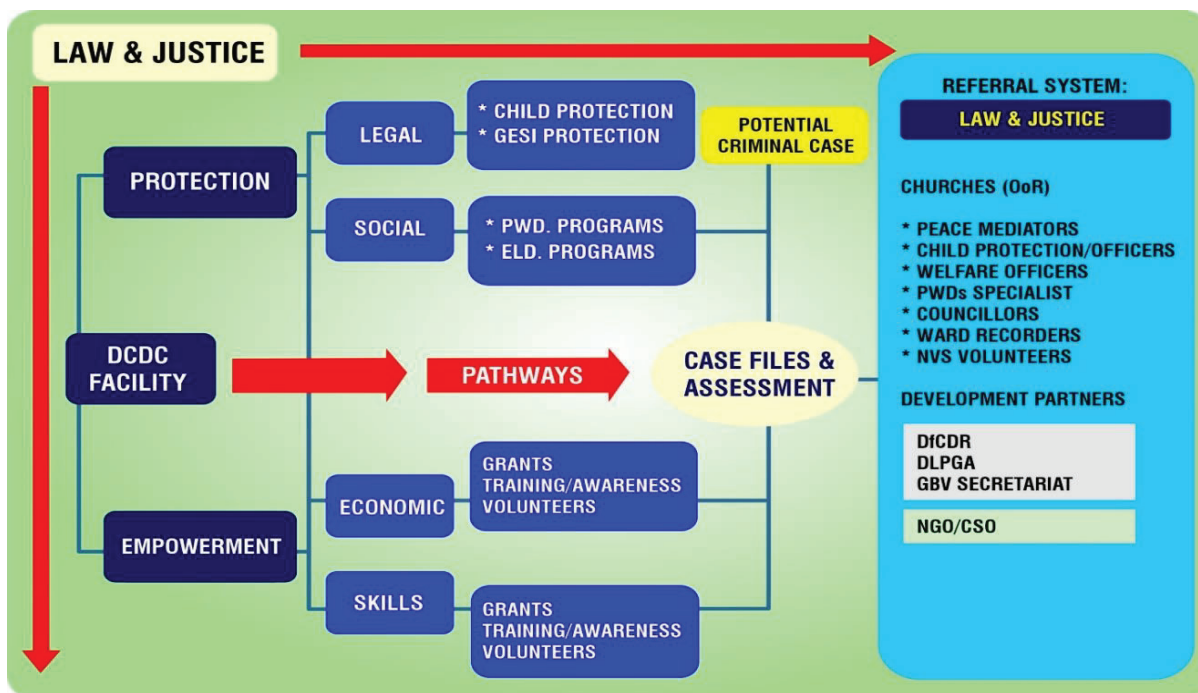


Figure 27: Department for Community Development and Religion Operational Flow Chart



Figure 28: Secretary for DfCDR Mr. Jerry Ubase (left), Minister for Finance and Member for Wapenamenda District, Hon. Miki Kaeok (middle) and District CEO, Mr. Keith Yati signing a MoA to establish a District Community Development Centre (DCDC) in the district - 3rd October

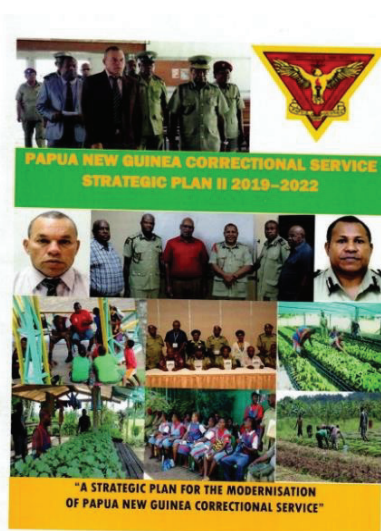
Objective 4: Improved Criminal Justice Outcomes and Integration of the Informal System

This objective is not new to the Sector because it was captured in the White Paper 2007. The Clifford Report 1984 did envision this to become a reality for PNG. As important as it is towards completing the criminal justice system, it is its transformational value toward individuals who come into conflict with the law that society aims for and gives relevance to the existence of correctional facilities as well as other similar services throughout the country.

Desistence is critical

In terms of the victims or survivors of crime, although the penalty reflects the gravity of the offence, it does not usually attend to the emotional trauma or state of mind or physical injury or harm experienced by the victim or survivor and his or her family. Although the Sector's core business is to ensure that criminals are punished so as to deter recidivism or similar offences being committed by others, the Sector will focus on restorative justice and peace-building with other sectors such as Churches and other civil society organisations. The key will be on the victims and survivors of crime or violence. The effect of crime or violence on an individual is not only felt by the individual concerned, but on the family, tribe, clan and village. Hence, the chances of retaliation against the offender or the offender's close relatives as well as the instrumentalities of the justice system remains in the minds of officials in justice administration. It continues to be a challenge to the Sector agencies and in most cases, it is left to the leaders of the community to create that awareness and understanding. This must be carefully researched and considered by the Sector.

Strategy 4.1: Modernise the Correctional Services



The PNG Correctional Service Strategic Plan 2019-2022 sets the phase for a modern Correctional Service for the country. It captures recommendations from the National Prison Review concluded in 2018. The recommendations included notable organisational and functional areas that needed attention, which was further confirmed with an analysis of Correctional Services (CS). This strategic and innovative thinking by the management with a genuine interest in increasing its value has set CS on a pathway for growth and excellence. This provides the impetus as well as a level of focus in its decision making to strengthen initiatives to enhance its role in community safety through improving detention facilities and the rehabilitation of detainees.

The Correctional Services in introducing a number of policies with respect to its responsibilities has provided the platform by which the Sector (as well as other sectors) can meaningfully participate and support the Correctional Services. These policies include the Correctional Service Detainee Rehabilitation Policy 2016, the Prison Industry Program currently underway with some notable achievements and the Juvenile Rehabilitation and Reintegration Policy 2021 to 2031 and the Offender Rehabilitation and Reintegration Policy 2024. In supporting these policies, the Sector will endeavour to increase its focus on the implementation of these policies, especially in terms of monitoring and evaluation, as it relates to the objectives of both crime prevention and criminal justice outcomes. This will then better position the Sector to support its premier rehabilitation institution.

The challenge noted by the Sector as faced by the Correctional Services is ensuring a reduction in the number of remandees at one time to a manageable level, the increase in the prison population for each correctional institution above the required holding capacity, the need to support the Prison Industry programs for purposes of reintegration of prisoners, supporting the establishment and sustenance of rural lock up facilities, separation of juveniles from the adult prisoners or remandees and the need to consider the welfare and wellbeing of correctional officers. The Sector acknowledges the importance of human resource wellbeing and envisages a facility by which the correctional officers can have access to welfare services, better accommodation and recreational facilities and other incentives to reward or encourage individual and organisational performance.

In addition to its core responsibilities, the Correctional Services can be called out to assist Police and the PNG Defence Force in national events such as elections and national emergencies. The demand for Correctional Services as part of law enforcement poses a challenge for the institution and its leadership as it manages expectation as well as the maintenance of correctional facilities. Whilst that is a challenge, the Correctional Services welcomes the opportunity to work directly alongside its Sector agencies and sees it as an opportunity to build capacity, provide incentives for its officers, as well as create a lasting bond for teamwork.

The Sector is therefore encouraged to refocus on the Correctional Services as an integral part of the Sector, if not, the end of the value chain in the criminal justice system. An indicator of the Sector performance can be seen from the status and the output by the Correctional Services in terms of its responsibilities. It is when individuals who become a threat to society are isolated that community safety is guaranteed. The Sector therefore has a responsibility to ensure that detention facilities are manageable and outcome based. It is also imperative that the Sector support plans and programs for the integration of services provided by the Public Solicitor, the Juvenile Justice Services, the Probation and Parole Services as well as other executive government initiatives in terms of prisoners who are released on parole, on a licence or through the power of mercy.

The expectation of society is that the Sector would have rehabilitated prisoners before being released and reintegrated into their communities, a significant decrease in recidivism or reoffending, and a reduction in the number of remandees. The Sector is mindful of this expectation and will address these concerns through the leadership of the Correctional Services.



Figure 29: Correctional Services Officers on Parade

Strategy 4.2: Emphasise and Enhance Community-Based Corrections

The DJAG continues to provide community-based correction services through the Probation, Parole and Juvenile Justice Services. These services are an integral part of the criminal justice system and with their careful application, can assist the court in making appropriate decisions as to sentences, and further strengthen the rehabilitation and integration process, with the intention of restoring justice in those respective communities.

It must be understood that parole is a privilege and not a right. Its policy rationale is not to assist with overcrowding of prisons or be seen as an avenue by which convicts are at liberty to return to the community after serving a portion of their sentence. It is rather a process of restorative justice which depends on the rehabilitation of the prisoner. It is said that within a period following conviction, the prisoner will participate in a rehabilitation program commensurate with the type of offence committed and he or she can return to his or her community as a changed person. A prisoner released on parole remains as such and is released based on a number of conditions, the breach of which results in prosecution and reimprisonment. The Parole Board, as the body responsible, envisions that:

1. There will be accurate records of prisoners in each prison throughout the country with respect to the sentences, and when they can be eligible for parole. This data must coincide with information on rehabilitation programs and an accurate evaluation of the prisoner. A facility to host the servers for the data will be built to ensure the Board is provided timely and accurate data;
2. The supervision of parolees and prisoners on licence must be strengthened to ensure that these prisoners are reintegrated safely into their communities. This will require improvements in terms of prosecution of parole breaches, integrating parolees into community-based rehabilitation programs and encourage employment and learning opportunities;
3. An evaluation of the parole system is warranted to ascertain the real value of releasing prisoners on parole to demonstrate the relevance of the parole system; and
4. The reforms to the *Parole Act* will be fully implemented with awareness programs carried out for the stakeholders as well as prisoners. The government has recently approved K200,000 in annual funding for this purpose.

The Probation Service has and continues to provide assistance to the court through pre-sentence reports that can result in non-custodial sentences for those convicted. This service will be improved to ensure that there are officers available to make those submissions to the courts. The DJAG will ensure that the Probation Services have provincial office space, office equipment, stationary, logistical support, and accommodation to enable it to effectively perform its functions. The DJAG has managed to build office accommodation, staff houses and provide a fleet of vehicles to its provincial operations to support the Probation and Parole services. It intends to continue this for the rest of the country under this Policy.

The Offender Rehabilitation and Reintegration Policy has now been approved by government to guide all non-custodial programs. A strong emphasis will be on the volunteers appointed in supervising parolees and probationers.

4.2.1 Support Rehabilitation and Reintegration

Sentencing and rehabilitation have a direct impact on crime prevention and ensures that society has confidence in the country's justice system. The country's penal system, although

retributive in nature so as to act as a deterrent, is now taking a more integrated approach through institutionalising rehabilitation programs with the intention of supporting the rehabilitation as well as reintegration of prisoners back into their communities. A notable reflection on what the Sector has done through the Correctional Services in terms of rehabilitation and reintegration, is the Correctional Services Detainee Rehabilitation and Reintegration Policy 2016 which has reportedly been implemented with a number of programs already been conducted throughout the prisons in PNG.



Figure 12: Sector leaders witnessing Parole Board hearing at Giligili Prison, Milne Bay Province

Strategy 4.3: Bolster the Juvenile Justice System

The Juvenile Justice System has adequate legislation, plans and policies which have been developed pursuant to the White Paper 2007. It has a robust governance framework through its National Juvenile Justice Committee that has the direct participation of the judiciary through a judge and has a number of Provincial Juvenile Justice Committees being established around the country. It is now embarking on the review of the Juvenile Justice National Plan 2018-2022 with the support of development partners. The Sector will support the implementation of the Juvenile Rehabilitation and Reintegration Policy 2021-2031, which is a key result of that plan. The main areas where Juvenile Justice Services and its governance framework require support include:

- a) Ensuring there is a Juvenile Justice Officer in each Province;
- b) Supporting and strengthening diversion programs;
- c) Assisting the court with sentencing options;
- d) Maintenance and use of juvenile rehabilitation institutions;
- e) Separation of juveniles from adults in remand and correctional facilities; and

- f) Strengthening the Juvenile Justice Service linkages and referral pathways with other child protection services such as the Office of Child and Family Services and National Youth Development Authority.



Figure 31: Secretary for Justice, Dr. Eric Kwa, PhD on behalf of the State and Bishop Jozef Rosynski representing Sacred Hearth Brothers signing a Service Agreement for the operations and management to rehabilitate juveniles at the Erap Boys Town in Morobe Province

Objective 5: Improved Accountability and Reduced Corruption

The Sector plays an important role in ensuring a corrupt free society. The Sector institutions, systems and legal frameworks provide the means by which the government's stance against corrupt conduct is investigated, prosecuted and enforced. If corruption exists in the institutions and systems of government, service delivery will be affected. The Sector commits to lead in this space to ensure accountability and good governance in its transactions at the bureaucratic and operational level. By doing this, the implementation of this Policy itself will be greatly enhanced. This objective therefore transcends the rest of the objectives and the strategies in this Policy.

Strategy 5.1: Implement the National Anti-Corruption Strategy

Fraud and corruption in PNG affects financial, administrative, legal, and operational systems and processes across the government, with little consequence. Eradicating corruption therefore remains a key policy goal of the government given the public interest and the toll corruption has on human development and economic prosperity.

To address these issues, accountability and oversight institutions will be strengthened and sustainably maintained. While legislation and institutional frameworks are largely adequate, the problem lies fundamentally with a lack of enforcement. There is a need for a coordinated and sustained response across the Sector, including through ongoing investment.

PNG ratified the United Nations Convention Against Corruption in 2007 and has since taken several steps towards addressing fraud and corruption. These include development of the National Anti-Corruption Strategy 2010-2030, National Anti-Corruption Plan of Action 2020-2025, *Organic Law on the Independent Commission Against Corruption* 2020 and the *Whistleblower Act* 2020.

The establishment of the Independent Commission Against Corruption (ICAC) in 2022 is a major milestone for the country in its efforts to combat and tackle corruption in the country. The appointment of the three Commissioners and the establishment of the secretariat is very promising. The Sector welcomes the involvement of ICAC in its structure and operations. The Sector also commits to support the work of ICAC to ensure that it effectively performs its roles and responsibilities.

Investigation and prosecution of fraud and corruption cases across PNG are also supported through both RPNGC and OPP. The National Fraud and Anti-Corruption Directorate within the RPNGC is a key public office that needs strengthening both in terms of financing and administrative independence in fighting corruption. The Serious Corruption and Dishonesty Unit within the OPP was established in 2017 following a high number of complaints received in relation to corruption and fraud cases in the country and will continue to be supported to undertake this role.

The Sector will play a significant role in improving governance by supporting ICAC in monitoring the activities of government and its agents to ensure laws are complied with. The National Anti-Corruption Strategy outlines eight key action areas that should be implemented across the Sector and particularly ICAC:

- a) Strengthen and promote honest leadership;
- b) Strengthen transparency and public exposure of corruption;
- c) Build and maintain effective people management;
- d) Strengthen the integrity of the public financial management system;
- e) Strengthen accountability and oversight;
- f) Strengthen compliance and enforcement;
- g) Strengthen public awareness and education; and
- h) Strengthen coordination and partnership.

The response to fraud and corruption across the Sector will be well coordinated and sustained to make a difference. It is essential that the Sector work together to develop ongoing implementation plans to operationalise the *National Anti-Corruption Strategy 2010-2030* as well as each agency having publicly available anti-corruption strategies that are connected to corporate plans, while also working together in partnership with the Ombudsman Commission and ICAC.

Strategy 5.2: Review and amend key Ombudsman Commission legislation

The Ombudsman Commission is an independent constitutional anti-corruption agency that plays a key oversight role and ensures compliance with government processes and procedures by leaders. Adequate funding for the Ombudsman Commission is necessary for it to be effective and sustainable in its operations.

The Commission has been supported in key legislative reforms that will now enable it to fully achieve its mandated roles and responsibilities. To improve the turnaround time for

investigation and prosecution of corrupt conduct, the Commission has been given powers through its legislative reforms to prosecute leadership disciplinary cases. This includes the increase in the penalties regime which will have a deterrent effect.

To ensure that the Commission is capably resourced to effectively and efficiently perform its constitutional functions, the Sector will ensure that its infrastructure development plans are supported and implemented. Also, to ensure that it will effectively and efficiently perform its constitutional functions, the Ombudsman Commission will implement an institutional restructure to meet requirements arising from the legislative reforms, which includes the establishment of an Anti-Discriminatory Practices Division.

The Memorandum of Agreement with RPNGC on the Police Oversight program is endorsed for its important contribution to integrity of the police disciplinary process. Work to strengthen this initiative will be underscored by an independent assessment report and recommendations toward establishment of a Police Ombudsman or equivalent function. The Sector supports the expansion of this initiative to other Sector agencies as well.



Figure 13: Minister for Justice and Attorney General Hon. Pila Niningi officially opening the Ombudsman Commission Western – End office with Enga Provincial Governor Sir Peter Ipatas on the far left and Chief Ombudsman Richard Pagen on the right witnesses.

Strategy 5.3: Operationalise Independent Commission Against Corruption

The ICAC is an anti-corruption agency established by the *Constitution* and its functions are further provided for under the *Organic Law on the Independent Commission Against Corruption*. The government has finally operationalised the ICAC in 2022 and is committed to supporting ICAC with funding, capacity and expertise.

The ICAC's roles are clustered under four main pillars: (1) education and awareness; (2) investigation; (3) prosecution; and (4) international co-operation. The ICAC will streamline these roles for efficiency and to effectively address corrupt conduct. These roles are being performed by other anti-corruption agencies that are mandated under the *Constitution* such as

the Police, Ombudsman Commission and the Office of the Public Prosecutor. Under this Policy, these key anti-corruption agencies will develop a strategy to harmonise their distinct roles and responsibilities. Regulations are being developed to give clarity to the ICAC's roles and responsibilities. In addition, Sector agencies will each have a clear anti-corruption strategy that outlines their linkages and standard operating procedures when engaging with the ICAC.

The ICAC will take a more proactive role in addressing corrupt conduct or ensuring accountability through a strong and viable awareness mechanism that is both institutionalised and results driven. It will be resourced with specialised lawyers, forensic accountants, specialised investigators and a strong administration to deliver on its mandate.

Strategy 5.4: Improve management of claims by and against the State

Corruption rids the country and its people of its financial resources to meet its socio-economic development priorities. Fraudulent claims against the State can be exacerbated by corrupt conduct, which if left unchecked or unchallenged can result in judgment debts paid out of the Consolidated Revenue Fund. It is therefore critical that whilst strengthening the role of the State Legal Services, the Sector will support:

- a) The strengthening of the State Solicitor's role in providing legal advice on commercial contracts or procurement of goods and services;
- b) Awareness raising for government Departments and statutory organisations on the need for compliance to due process in procuring goods and services;
- c) State Audit Recovery and monitoring of State contracts;
- d) The Solicitor General to institute civil prosecution against those that are involved in defrauding or exploiting the State and its instrumentalities; and
- e) The Solicitor General to enhance its cost recovery role as a deterrence to those fraudulent claims.

Strategy 5.5: Increase enforcement action to combat Money Laundering

Strong anti-money laundering and counter terrorism financing (AML/CTF) measures are powerful tools in the fight against corruption. Money laundering is often used to conceal illicit gains generated from corrupt activity. Strong AML/CTF measures also assist in the fight against other serious crimes, and in the pursuit of financial integrity and economic stability.

The Sector plays a critical role in strengthening PNG's AML/CTF system, which is overseen by the National Coordinating Committee (NCC) on Anti-Money Laundering and Counter Terrorism Financing. The DJAG Secretary is the Co-Chair of the NCC with the Governor of the Bank of Papua New Guinea. The RPNGC, the Public Prosecutor, the Ombudsman Commission and ICAC are members of the Committee. Through the NCC, the Sector has supported the revision and implementation of the new National Anti-Money Laundering and Counter Terrorism Financing Strategic Plan 2023. The Strategic Plan sets out a vision to build a robust AML/CTF system in PNG and the actions required to realise that vision. A key priority is to increase enforcement action to combat money laundering, which will require closer cooperation and collaboration between the responsible intelligence, investigation and prosecution agencies. A critical measure under the Sector would be to support criminal assets confiscation.



Figure 33: Senior lawyers supporting the ICAC Bill before the Parliamentary Committee in 2020

Objective 6: Improved Support for National Security Initiatives

The intention of the White Paper 2007 was to build and maintain the capacity of the Sector at a standard that can manage domestic law and order issues in the country. This is to enable the Sector to respond meaningfully to new, evolving and external threats to the country's security and safety brought about by globalisation, natural disasters and socio-economic development. The country's new National Security Policy 2024 will need the strong support of the Sector to make it work. The new security policy provides a clear narrative to deal with national security concerns (other than legislation that has been enacted based on international conventions). The new policy guides the government's relationship with other countries in the context of the ongoing geo-political pressures facing the country so that it does not compromise the security needs of the country. This issue borders on the country's sovereignty and importantly the need to protect the human rights and liberties of the citizens under the *Constitution*.

The national security responsibility is broad and requires a multi-sectoral approach. It can be seen as the primary responsibility of the PNG Defence Force. However, this is a responsibility that is shared by the Sector and other government institutions and regulatory organisations. Whilst the fundamental institutions are already in place, the new security policy provides a clear policy direction by government to ensure that their collaboration and networking is sustained to make an impact. The Sector recognises that it cannot work alone in this area and will work closely with other regulatory bodies, central government agencies, provincial governments, development partners and private organisations to achieve the goals of the new security policy.

Whilst the other objectives of this 10-year Policy adequately cover areas that can contribute directly toward the country's preparation and response to national security concerns, there is

more that needs to be done specifically by the Sector in collaboration and partnership with other players. There is clearly an expressed need to quickly build domestic capability to ensure PNG is fully secured from external threats.

Although PNG does not have its own resources to conduct threat assessments, the available external reviews on relevant topics such as drugs, terrorism and people smuggling indicate that the country is at high risk.

This Policy therefore envisages the need to articulate, link and support other national policies to deal with tribal violence, gang violence, terrorism, cyber-crime, pandemics, natural disasters, state of emergencies, bio-security issues, food security, illicit trading, people smuggling and trafficking, narcotics, riots, and firearms. The Sector will utilise its leadership and governance framework through the NCM to actively support the government's national security agenda.

Strategy 6.1: Build National Security Capabilities and Preparedness

There is a real need to have high level commitment toward the country's national security. This is demonstrated by the Marape-Rosso government's approval of the National Security Policy 2024. This policy will enable the creation of the new National Security Agency located within the Department of the Prime Minister. This new agency is directly responsible for coordinating and streamlining the country's preparedness and responses toward national threats.

It is also important to note that to "Take Back PNG" from the negative impacts of foreign and domestic threats, the government has assigned specific activities to the Social, Law and Order Sector to implement. Under the revised SLOS Framework 2024 to 2027, Outcome 1.4 is to "Promote and Protect Papua New Guinea's sovereignty and wealth for sustainable fiscal growth, development and citizens' welfare." The activities identified are:

- a) Review the National Security Policy and Strategic Action Plan;
- b) Strengthen systems to monitor and assess national security threats - internal and external security threats;
- c) Develop Foreign Policy (safeguarding PNG's Interests) that is linked to the National Security Policy and Economic Policies;
- d) Immediately review current economic, trade, and development cooperation policy and security arrangements;
- e) Upgrade National Intelligence Organisation; and
- f) Pursuing Excellence and Innovation in the Disciplinary Forces. This will now include preparedness for national and international obligations.

Those activities, which are mostly policy, have been assigned to central government agencies, however the Sector holds more than 60% interest in the development and implementation stages as it relates directly to the constitutional rights of citizens, security and safety.

Strategy 6.2: Assist with Bilateral Arrangements and Security Protocols

The new National Security Policy will provide the impetus and key areas for the Sector to focus its attention in order to ensure that there are clear measures and activities at the agency level targeted specifically towards national security. For example, the Sector will be actively involved in measures relating to international relations, dispute resolution and cyber-crime.

Arrangements for bilateral security protocols will assist the Sector to identify and manage bio security threats, and other security threats such as those from by-products of energy use. The Sector will work with relevant agencies and encourage statutory organisations that have regulatory responsibilities for these types of substances and other chemicals to effectively regulate them to contribute towards law enforcement and national security. Regulatory bodies such as the Conservation and Environment Protection Authority, Climate Change Development Authority, National Agriculture and Quarantine Inspections Authority, National Institute of Standards and Industrial Technology (NISIT), and the Manufacturers Council of PNG are important partners in protecting our citizens.

Strategy 6.3: Conduct Research and Dialogue on Crimes and Violence

6.3.1 Tribal Violence

Tribal violence is a threat to peace, stability and economic growth of PNG. It has a high human cost, with fighting regularly leading to death, serious injury, sexual assault, and population displacement.

Tribal violence may be caused and exacerbated by political or election motivated fighting; cultural norms and values of retributive violence (payback); inequitable resource distributions; lack of government services; and easy access to firearms.

Responding to tribal violence in PNG involves understanding its root causes in order to ensure that appropriate interventions are made to prevent or lessen the impact.¹⁵ Notable drivers of peace may include mediation by community leaders or civil society organisations; isolation of troublemakers; promulgation of Christian values; reconciliation and conflict resolution rituals alongside the formal justice processes.

Several national policies and plans acknowledge the prevalence of tribal violence and the need for strategies to address the problem. For example, Vision 2050 specifies that to make PNG a safe and peaceful society, a priority activity is to promote and facilitate dialogue and peaceful resolution to conflicts.¹⁶ The PNG Development Strategic Plan 2010-2030 identifies tribal violence and social unrest as a threat to PNG's security.¹⁷ The MTDP IV specifies the Law and Justice Sector as the mechanism for ensuring that law and order challenges, including violence and tribal fighting, are addressed and mitigated.

The new National Crime Prevention Strategy outlines various actions for crime prevention that should assist in the response to tribal violence. These strategies will be supported and implemented as a priority across the government, in partnership with civil society organisations and private sector stakeholders. Additionally, supporting crime prevention through the revitalised Village Court system is a key strategy that will be prioritised as a means of addressing tribal violence.

Existing institutions responsible for national security must revisit their respective mandates and take ownership of initiatives to combat violence in the country through modern and sophisticated techniques. The DJAG's Crime Prevention Division will initiate or steer other agencies that have a national security responsibility especially in the policy space to be more proactive and determined to make the change. The agencies that have a role in this area include the Office of Security Coordination and Assessment (OSCA) (to be replaced by the National

¹⁵ Miranda Forsyth, Literature review on Tribal Fighting and Ethnic Clashes, September 2021, 2

¹⁶ Papua New Guinea Vision 2050 (2011), 40

¹⁷ Papua New Guinea Development Strategic Plan 2010-2030, 130

Security Agency), NIO, Police, PNGDF, and others that can be co-opted that have expertise or capabilities within their respective agencies.

The National Security Advisory Council should not be passive in carrying out its mandate but be supported by a robust and enthusiastic secretariat that facilitates modern standards of addressing national security concerns moderately based on cultural knowledge and experience. The agencies concerned must be properly assessed to ascertain the type of expertise or skill set they possess. If capacity is lacking then necessary capacity building or recruitment of suitably qualified individuals must become a priority. This will enhance the role of those existing bodies to evolve from routine or mundane roles to that which is revolutionary with impact driven outcomes.

6.3.2 Gang Violence

There must be a means by which perpetrators who either directly inflict fear, harm and intimidation of our citizens or are associated with such acts are dealt with in a firm but fair manner. The level of gang related violence has risen, challenging the Sector to develop strategic interventions. The level of violence is due to the isolation of respective communities, the limited presence of law-and-order institutions, and the need for diversion of the youth population.

The Sector stands ready to support other sectors in restoring the governance structures of affected communities with respect and dignity.

Strategy 6.4: Intensify Responses to Drug and Alcohol Abuse

In 2021, PNG reported the first ever cocaine seizure with an estimated street value of \$80 million Australian dollars on the outskirts of Port Moresby. At that time, the legislative framework was in the process of review and drafting. Nonetheless, a transnational response was coordinated by the National Narcotics Bureau in conjunction with the RPNGC, Customs Services, PNGICA, Department of Foreign Affairs, DJAG, OPP and Australian partner agencies under the existing legal framework and partnership arrangements. This coordinated partnership resulted in successful prosecution of the perpetrators. The lessons learnt are already the subject of discussions by the National Narcotics Control Board in introducing a National Narcotics Strategy for PNG. The way forward as envisaged by this Sector governing body on narcotics is:

- 1) Introduce a modern and robust legislative framework based on the CLRC Report on offences on Drugs and Alcohol. This has resulted in the enactment of the *Controlled Substance Act 2021* which came into effect in early 2022; and
- 2) Strengthen the role of the National Narcotics Bureau as the institution responsible for coordinating the country's efforts against narcotics in terms of regulation, policy, law reform, and support to law enforcement.

An abstract from the National Narcotics Strategy that demonstrates the strategic map and contributes toward the Sector's aspirations in an operational and measured manner is as follows:

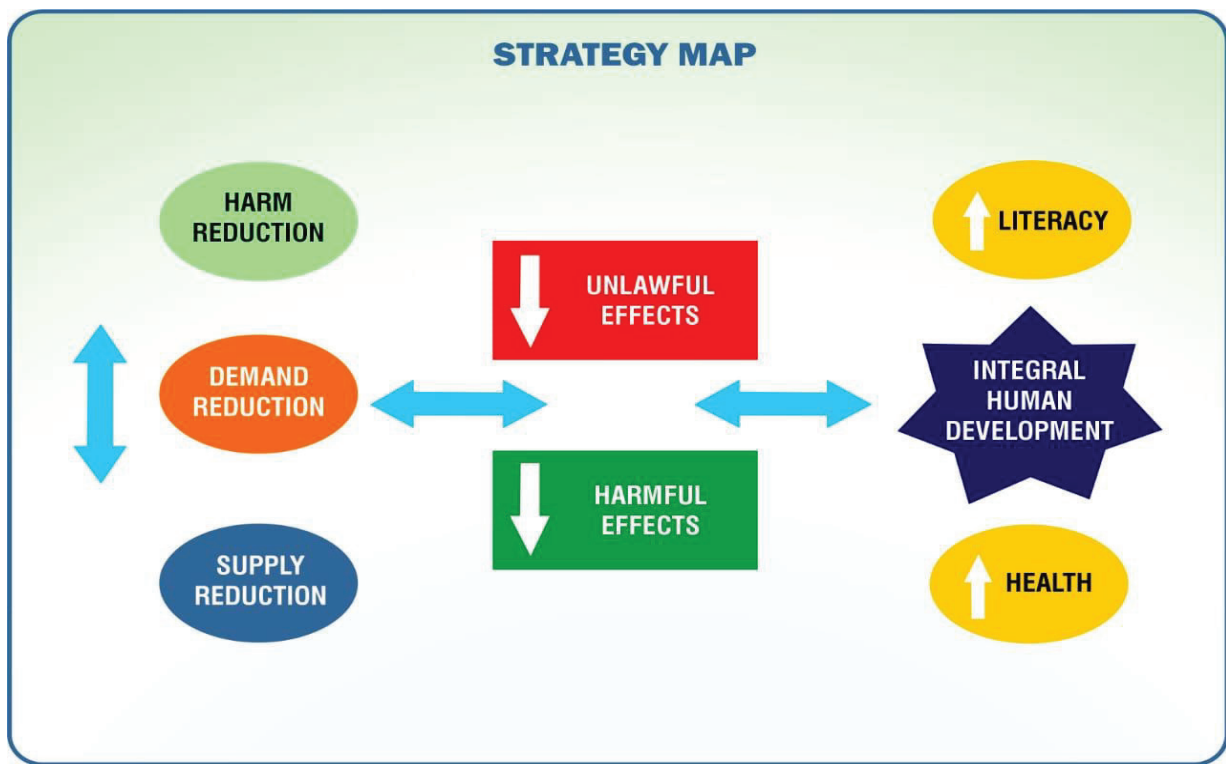


Figure 34: National Narcotics Bureau Strategy Map

Drug and alcohol abuses cause significant harm in our communities, including by contributing to criminal behaviour. The increasing use of marijuana and alcohol, including homebrew, has been linked to a deterioration in law and order. Our region has also become a hub for the production and trafficking of drugs such as methamphetamine, cocaine and precursors. Local crime groups are working with transnational crime syndicates to exploit the situation, and the drugs they produce and traffic sometimes enter the local market. Young people are particularly susceptible to becoming involved in illicit drug use and drug-related crime.¹⁸

The reinvigorated National Narcotics Bureau will be empowered to play a leading role in responding to drug and alcohol abuse, including in its advisory capacity to the National Narcotics Control Board. The Bureau will work in partnership with law enforcement agencies, other government stakeholders, industry, civil society and the broader community, to increase awareness of the harms caused by illicit drugs and alcohol and enhance the regulatory environment to reduce these harms. The *Controlled Substances Act 2021* has filled significant gaps in PNG's drugs laws, and the effective implementation of the Act will be an important part of the Sector's approach to tackling drug and alcohol abuses.

Strategy 6.5: Improved Responses to Transnational and Organised Crime

Transnational and organised crime is having a detrimental impact on Papua New Guinea's economic and social development. It threatens the security of the safety of our citizens, the prosperity of our businesses and the integrity of our institutions. The development opportunities presented by increased global trade, international travel, and digital connectivity also make our region more vulnerable to exploitation by transnational organised criminals. The country facing increasing threats from the trafficking of illicit drugs and weapons, human trafficking and people smuggling, environmental crime, illegal fishing, money laundering, corruption and

¹⁸ Lowy Institute, Trends in the Pacific

cybercrime. A more strategic and coordinated approach is required to counter these threats and protect PNG and its people:

- 1) To prevent and disrupt transnational and organised crime, the Sector will focus on the following four strategies:
- 2) **Ratify and implement key international legal instruments**, including the United Nations Convention against Transnational Organised Crime and its supplementary protocols, to ensure PNG's regulatory framework is consistent with international standards and norms;
- 3) **Enhance information and intelligence sharing** to understand the nature of the threat and ensure law enforcement agencies are well placed to respond;
- 4) **Strengthen investigations and prosecutions** to limit the capacity of individuals and networks involved in transnational organised crime to target and operate within PNG; and
- 5) **Build capacity, cooperation and partnerships** to enhance the Sector's ability to work with international partners, provincial and local governments, the private sector, civil society organisations, and the broader community to develop and deliver a collective response to the threat.



Figure 35: Strategic Pillars in Addressing Transnational Crime

Chapter 6: Organisational Responsibilities

Law and order issues is everyone's responsibility. Below is a categorization of the two key groups that have direct oversight and responsibility, under two broad headings, namely Sector governance and actual Sector agencies.

6.1 Law and Justice Sector Governance

The Sector governance is administered by the following bodies:

National Executive Council (NEC)	The NEC comprises of the Prime Minister and all other Ministers appointed in accordance with the Constitution, who are collectively responsible to the National Parliament.
Administrative Sector Heads (ASDH)	Administrative Sector Heads formerly SLOSH is comprised of the departmental heads of Administrative Sector. ASH brings together the Law and Justice Sector with the Social Sector to align critical socio-economic development agendas for PNG. ASSH receives monthly reports on progress from the ASH Secretariat, which then passes on to the Ministerial Administrative Services Sector Committee.
Law and Justice Sector Secretariat (LJSS) / Social, Law and Order Sector (SLOS) Secretariat	The Law and Justice Sector Secretariat within DJAG provides secretariat services to the NCM, facilitates the Law and Justice Sector Working Group, and coordinates cross-sector programs, development partner activities, and sub-national engagement. The SLOS Secretariat established under the SLOS Framework is also responsible for providing secretariat services to the AS (SLOS) Committees which include ASS Deputies Committee, AS Heads Committee and ASS Ministerial Committee. It is also responsible for monitoring and evaluating progress in implementing the Strategic Priorities for the Sector.
National Coordinating Mechanism (NCM)	The NCM oversees the work of the Sector and is comprises the following members: a) Department of Justice and Attorney General, Secretary; b) Department of National Planning and Monitoring, Secretary; c) National Judicial Staff Services, Chief Justice/Secretary; d) Magisterial Services, Chief Magistrate; e) Ombudsman Commission, Chief Ombudsman; f) Independent Commission Against Corruption, Commissioner; g) Office of the Public Prosecutor, Public Prosecutor; h) Office of the Public Solicitor, Public Solicitor; i) Correctional Services, Commissioner; j) Royal PNG Constabulary, Commissioner; k) Constitutional and Law Reform Commission, Secretary; l) Legal Training Institute, Director; m) National Narcotics Bureau, Director-General; n) Department of Defence; Secretary

	o) Department for Community Development and Religion, Secretary; and p) Land Commission of Papua New Guinea, Chief Commissioner.
Provincial Local-Level Service Monitoring Authority (PLLSMA)	Established under the Organic Law on Provincial Governments and Local Level Governments, PLLSMA is a government decision making body comprised of Departmental heads from across the national government. Its core function is to implement national policies at the provincial level. The Secretary for Justice is the Co-Chair of PLLSMA.
Bougainville Law and Justice Coordinating Mechanism (BLJCM)	The BLJCM oversees the law and justice sector programs specific to Bougainville.



Figure 36: Joint NCM and BLJCM Meeting on Shaping Bougainville Justice in Madang

6.2 Law and Justice Sector Agencies

The following are the Sector agencies with an overview of their respective roles and responsibilities:

Constitutional and Law Reform Commission (CLRC)	Established under Section 260 and Schedule 2 of the <i>Constitution</i> , the CLRC functions are primarily set down in the <i>Constitution</i> and <i>Constitutional Law Reform Commission Act</i> 2004 for the Review and Reforms of all the laws in PNG on the direction of the government upon consultation with relevant stakeholders and advise the government and other agencies from both public and private sectors on law reform matters. CLRC also has a special responsibility to investigate and report to the Parliament and to the NEC on the development of the Underlying Law as per the <i>Constitution</i> and the <i>Underlying Law Act</i> 2000
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Correctional Services (CS)	Reporting to the Minister of Correctional Services, CS is established by section 188(2) of the <i>Constitution</i> and the <i>Correctional Services Act</i> 1995. The CS functions include taking custody of persons committed to correctional centres; providing secure, efficient and humane facilities; developing and providing meaningful educational training and rehabilitation programs for the benefit of detainees. Some functions of the CS are also governed by the <i>Parole Act</i> 1991 and the <i>Juvenile Justice Act</i> 2014.
Department of Defence	The Papua New Guinea Defence Force (PNGDF) is the military organisation responsible for the defence of PNG. The Department for Defence is established under section 5 of the <i>Defence Act</i> 1974. It is the civilian arm that supports the military personnel with the administration of the finance and human resources of the Defence Force.
Department of Justice and Attorney General	DJAG is the lead agency of the Law and Justice Sector within the Ministry of Justice, providing a range of legal, justice and trustee services to the government and the community. DJAG is responsible for National Provincial Coordination and Crime Prevention; Justice Administration, including Community Based Corrections, Juvenile Justice, Village Courts and Land Mediation; Legal Policy and State Legal Services.
	Office of Attorney General The Attorney-General is the principal legal adviser to the NEC. If the Justice Minister is a lawyer admitted to practice, he/she also becomes the Attorney-General. Otherwise, the position is filled by the Secretary for DJAG.
	Office of Solicitor General The Solicitor General is the chief litigator for the State. In addition to defending government agencies in court to minimise State's liabilities, the Office of the Solicitor General is increasingly focused on civil prosecution and cost recovery proceedings to recover monies owed to the State.
	Office of State Solicitor The State Solicitor provides legal advice, representation, and clearance services to the State. Recruitment, retention, and the professional development of lawyers are key concerns for the Office of the State Solicitor.
	Office of Public Trustee The main functions of the Public Trustee are to administer deceased estates and to provide trustee services for minors, missing persons and as directed by a Court.
Department for Community Development, Youth and Religion	The Department is mandated to lead on gender-based violence and coordinate across all government departments to ensure a combined response to providing services. The Department is also responsible for providing funds for NGOs to provide appropriate services and support.
Department of National Planning and Monitoring	The Department of National Planning and Monitoring is the lead government agency responsible for development planning for the country. Given its primary role in the development budget, it has been appointed as the Deputy Chair of the NCM.

Independent Commission Against Corruption	The Independent Commission Against Corruption is a new organisation and is the lead anti-corruption agency in the country. It is established under section 220A of the <i>Constitution</i> and the <i>Organic Law on the Independent Commission Against Corruption</i> . The ICAC was formally established in 2022 with its operations beginning in mid-2023.
Judicial and Legal Services Commission	The Judicial and Legal Services Commission is established under section 183 of the <i>Constitution</i> and the <i>Organic Law on the Judicial Services Commission</i> . The Commission is responsible for the appoints and discipline of Judges of the higher courts other than the Chief Justice, and Magistrates of the District Court.
Lands Commission of PNG	Established under Section 5(1) of the <i>Land Commission Act</i> 2022 (LC Act), the Land Commission of PNG is a merger of the Land Titles Commission (LTC) and the National Land Commission (NLC). The functions of both LTC (customary land tenure conversion) and NLC (colonial land declarations) have been retained under Section 16 of the <i>LC Act</i> as a means to maximise the limited manpower and resources. Unlike the past, it is now fully independent and separated from the DJAG with a new Agency Code being issued. Its Corporate Plan 2023-2027 was launched by the Deputy Prime Minister, Hon. John Rosso, MP, noting its alignment to SPA 1.10 of the MTDP IV and the clear demarcation of its quasi-judicial powers as opposed to the general land administrative powers performed by Department of Lands and Physical Planning. It is now formally embraced in this Policy as part of the Sector.
Legal Training Institute (LTI)	The LTI is a statutory body established under the <i>Post Graduate Legal Training Institute Act</i> 1972 and provides practical legal training for law graduates who wish to be admitted as lawyers to practice at the Bar.
Magisterial Services	The Chief Magistrate is responsible to the JLSC for the efficient management and operation of the Magisterial Service including carrying out any directions or instructions of the JLSC. Established under sections 173-5 of the <i>Constitution</i> and the <i>Magisterial Services Act</i> 1975. The Magisterial Services manages the operation of District Courts throughout the country. District Courts have jurisdiction over a range of criminal and civil matters, family law, land disputes and Juvenile Court matters. District Courts also have power to review Village Court decisions.
National Judicial System / National Judicial Staff Services	The National Judicial Staff Services is established under the <i>National Judicial Staff Services Act</i> 1987 and provides management and administrative support services to the Judiciary. The National Judicial System consist of the Supreme Court, the Appeal Court the National Court and other courts (District Court, Juvenile Court, Family Court, Traffic Court, Land Court, Coroners Court, etc).
National Narcotics Bureau (NNB)	The NNB is established under the <i>National Narcotics Control Board Act</i> 1992. The key function of NNB is to make recommendations to the National Narcotics Control Board on policies and measures relating to drug abuse, and to co-ordinate

	and monitor drug education, awareness and rehabilitation programs. The NNB also conducts surveys to gather and evaluate information on the consumption, cultivation, trafficking and manufacture of drugs, as well as those convicted of drug offences in PNG.
Office of Public Prosecutor	The Office of the Public Prosecutor is established under sections 176 and 177 of the <i>Constitution</i> . It is constitutionally independent and its core function is delivering prosecution services in the National and Supreme Courts and bringing proceedings for misconduct in office before a Leadership Tribunal.
Office of Public Solicitor	The Office of the Public Solicitor is established under sections 176 and 177 of the <i>Constitution</i> . It is constitutionally independent. Its core function is providing legal aid, advice, and assistance to persons in need of help. The Office has been strengthened by the passage of the <i>Public Solicitors Act</i> 2021.
Ombudsman Commission (OC)	Established and mandated under sections 217-220 of the <i>Constitution</i> , the OC performs three primary functions: investigates allegations of misconduct and administrative breaches by government agencies; investigates discriminatory practices by government bodies; and administers the Leadership Code. The Ombudsman Commission is also given additional powers and responsibilities under other laws such as the <i>Organic Law on the Integrity of Political Parties and Candidates</i> 2003.
Royal Papua New Guinea Constabulary	Reporting to the Minister for Police, RPNGC is established by sections 118 and 197 of the <i>Constitution</i> to preserve peace and good order and maintain and enforce the law in an impartial and objective manner. It is governed by the <i>Police Act</i> 1998.



Figure 37: NCM and BLJCM members in Buka, Bougainville

Chapter 7: Policy Implementation

7.1 Sector Strategic Framework

The Sector Strategic Framework (SSF) 2025-2035 provides a summary of Section 5 of this Policy. It articulates the Policy objectives, strategies and measures in a cascading manner.

The respective Sector agencies will have corporate plans or there will be Sector policies cutting across multiple agencies that translate the SSF strategies and measures into Deliberate Intervention Programs (DIPs) and activities planned for and performed annually. Other stakeholders such as development partners, community groups, Non-Government Organisations, Faith-Based Organisations and the private sector, will be engaged to assist in the implementation of this Policy through the SSF.

7.2 Financing the Policy

The draw back in the Sector's standards in programming and budgeting so as to ensure greater visibility in its expenditures, is the need to improve on data and statistics in order to strengthen significantly its monitoring, evaluation and reporting capability. As mentioned, this is one of the priorities of the Sector under this Policy which will be addressed.

The Sector envisions to invest in its strategies to realise value for money for its target areas. The Sector has aligned its Sector budget framework through the responsible agencies to the Strategic Priority Areas (SPAs) of MTDP IV that concern the Sector which are:

- a) Strategic Economic Investment (SPA 1),
- b) Law and Justice (SPA 5),
- c) National Security (SPA 6), and
- d) Population, Youth and Women Empowerment (SPA 11).

The measures under the SSF would therefore be categorised into recurrent or ongoing projects that can be supported through institutional budgets, development partner contributions, and those that are considered within the 'pareto principle', will become DIPs and channelled through the PIP process/supplementary budget. The Sector will present its DIPs accompanied by a strong monitoring and evaluation component in the interest of achieving its targets. A typical example of the 80/20 rule applying with results anticipated almost immediately for the Sector is the restructuring of the Higher Courts and the increase in the jurisdiction of the District Courts.

In order to fund the Policy through respective Sector agencies and communal projects now facilitated through the respective DIPs, the Sector plans to create an understanding with the Department of National Planning and Monitoring, Department of Finance, Department of Treasury and other central government agencies so that:

- a) The existing or continuing PIPs for Sector agencies are subsumed into the respective operations budget for 2025 onwards;
- b) The Service Delivery Framework administered by the DPLLGA and the DIRD is an important facility that must be streamlined with funding capabilities of national agencies that have decentralised responsibilities such as the Village Courts and Land Mediation Services. The functional grants in that respect remains an important contribution;

- c) The Budget Reform Guidelines will be referred to in programming the Sector budget;
- d) The Annual PIP Budget Framework and the Monitoring and Evaluation Framework can be synchronised with the multi-year outcomes and medium-term forecasts per the National Budget process; and
- e) The DIPs as channelled through the PIPs will become program areas in the Budget Appropriation for each year and therefore the SPA concerned will have its place in the National Budget Framework.

The lessons learnt from implementing the MTDP III are that there are mixed results in the delivery of the Sector responsibilities given lack of funding experienced by Sector agencies.

The Sector anticipates an increase in its budget from 2025 due to increase in staffing, welfare and wellbeing, implementation of new legislation and policies, information communication technology and deliberate infrastructure projects. Its strategy is to work within respective budget appropriations and utilise development partner assistance, remove barriers and redundancies to save costs, and improve as well on its financial management. The Sector's budget has comprised between 10.13% and 8.74% from the government budget appropriations for the years 2017 to 2021, total of K6,336,952,070 allocated for that period with an average growth rate annually of 14.48% according to the PNGDSP.

From the Sector budget alignment and forecast under the Policy, each agency will develop agency specific budgets to translate the strategies of the Policy and submit appropriate DIPs to assist the Sector 'take off' within the course of the next five years.

The functional relationship between Sector agency and the risk involved needed to be clearly stated for many purposes – principle one is to maintain consistency in budget support within the Sector. For example, over the last 10 years, Magisterial Services received under K4 million for Goods and Services which significantly affected its operations.

7.3 Development Partnerships

The National Development Cooperation Policy 2019-2022 is the overarching policy framework for donor and development partnership arrangements with the government. Obviously, the DNPM being the central coordinating agency for these development assistance will guide the development of the plans and respective terms of reference for the projects and activities to take place. For the Sector, these arrangements continue to be initiated, reviewed and established at the Sector level or through institutional partnerships.

Whilst the Sector institutions are at liberty to undertake specific institutional arrangements in the interest of respective organisational performance and values, it would be useful for the Sector as a whole to have some visibility through the Law and Justice Sector Working Group and the NCM. This reflects well on the Sector's principles envisaged in this Policy and also maintains that systemic thinking, collaboration and collective performance.

The LJSS will coordinating donor or development partner programs and seek the NCM's intervention to ensure projects and activities continue to be aligned with the SSF. Whilst the independence of respective development partners and donors are respected, the Sector emphasises the need for development partners and donors to be properly coordinated in working with Sector institutions or the Sector collectively in the interest of making use of available resources.

Chapter 8: Monitoring and Evaluation

The monitoring and evaluation of this Policy will be facilitated through the Performance Monitoring Framework (PMF) for the Sector, which is managed through the LJSS. The PMF developed in 2013, is a complete evaluation mechanism for the Sector with tools to ascertain the Sector's performance against the SSF. It contains various outcome and output indicators, data collection methods as well as targets in a specific reporting period. Worth mentioning are its output indicators of effectiveness, efficiency, accountability and access. It is a useful tool which assists with Sector agency planning and development of corporate plans.

The PMF was intended to apply during the tenure of the SSF 2011 with questions or survey topics appropriate to the objectives and the various strategies for the year commencing 2011. The PMF 2013 is therefore aligned to the SSF 2011 and the MTDP 2011-2015. Whilst being largely relevant and currently utilised to produce the Sector's Annual Performance Reports, it will be considered and reviewed to align with the new SSF 2024-2028 and especially the MTDP IV 2023-2027.

The PMF 2013 identified indicators that can be either considered in a holistic review of the PMF 2013 or considered and applied alongside it, which are as follows:

- a) Community satisfaction with services provided by agencies;
- b) Community's perception of fairness;
- c) Number of family related conflicts dealt with by Village Courts;
- d) Cost per prisoner;
- e) Re-offending rate;
- f) Quality of court decisions;
- g) Quality or measure of success of Village Court orders;
- h) Quality measures;
- i) Timelines of court proceedings;
- j) Time in detention;
- k) Percentage of survivors of violence;
- l) Number of referrals made by FSVUs; and
- m) Number of referrals to FSVUs.

It is accepted that the survey methodology and design will be revised and updated to reflect the new SSF 2025-2035 and that a community perception survey be conducted every two years. The community perception on crime or safety reports for the PMF 2013 was for the years 2008, 2010 and 2011.

A crime perception survey conducted in 2018 provided useful indicators, but was limited to selected provinces. This initiative was conducted independently of the Sector PMF 2013. Whilst the information is useful to the Sector, it must be carefully considered with reference to this new SSF 2025-2035 and the target areas. Hence, the LJSS has the responsibility to streamline such evaluation reports. Therefore, for consistency in evaluation, it is highly recommended that any perception survey in future be streamlined with the Sector PMF to be designed from this Law and Justice Policy 2025-2035.

The Sector will ensure that the SSF 2025-2035 is reported against regularly in the Law and Justice Sector Working Group meetings leading up to the NCM. It is anticipated that each

agency responsible for a strategy or measure will be required to present on its progress at monthly Law and Justice Sector Working Group Meetings. This will coincide with the Sector's idea of an ongoing evaluation process so that it remains focused on its targets as well as continues to learn and remove barriers or bottlenecks.

The Sector agencies will also be supported to produce corporate plans that are reflective of the new SSF and with institutional monitoring and evaluation frameworks that align to the new PMF. The LJSS will embark on a robust business process of ensuring the Sector Annual Performance Reports are then prepared and presented on a timely basis. This will include ensuring proper financial information on budget and expenditure are accurate and if need be, properly audited.

It is also important that development partnership arrangements that concern the Sector are discussed and coordinated at the NCM level. Any report that is produced by development partners are also to be acknowledged and streamlined with the Sector's own government reporting system to realise the full value of the Sector's input and outcomes.

A strong emphasis on utilising the Sector's objectives of improving its information communication system is on data collection, evaluation and sharing amongst Sector agencies and to other Sectors on a timely and qualitative basis. Importantly, there must also be a strong working relationship with the DNPM on the evaluation framework under the MTDP IV especially regarding the use of PIPs in supporting the Sector strategic priorities and through the DIPs.



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