

Family Protection Orders in Lae, Papua New Guinea: Part 3 Factors Affecting the Accessibility and Effectiveness of the Orders

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Introduction

A pilot study on the use and effectiveness of family protection orders (FPOs) was undertaken in Lae, Papua New Guinea (PNG) in 2018. The aim of the orders, introduced under the Family Protection Act (FPA) 2013, is to improve access to justice and the protection of and support for victims of domestic and family violence (DFV). This is the third and final In Brief summarising the findings from the pilot study, with the first two focusing on access to justice and safety. The pilot study suggests that more people are applying for orders and the process is timelier and more effective over almost four years. This In Brief considers the impact of the reform on the system and the factors that were identified as affecting the accessibility and effectiveness of FPOs. The recommendations from stakeholders and survivors who were interviewed in the study are also summarised. For more detail, see the report on the pilot study (Putt et al. 2019).

The overall impression from the pilot study is that the justice system and the practice of justice have been improved by having the option of civil protection orders. As one stakeholder put it, 'it is an important tool' that can act as adjunct to criminal prosecution. However, a more profound commitment to and willingness to use the 'tool' was only evident among certain stakeholder groups and in the practices of key justice practitioners.

By virtue of their position, certain individuals and leaders – such as senior police and the Senior Provincial Magistrate – can exercise some influence over how the system works by example and instruction. However, judging by what many said during the pilot study, there is yet to be a seismic shift in attitudes to DFV and support for survivors among the bulk of justice practitioners. Several police, for example, indicated they were reluctant to assist survivors because 'so many withdraw' from prosecution or the pursuit of FPOs. Such reluctance no doubt goes some way to explaining a pervasive belief among stakeholders that frontline police would hesitate to act should

there be a complaint of a breach of an order. Within the context of under-resourced, often ineffectual and bias-laden government service provision, it is not surprising that the outcomes of a justice intervention or the likelihood of an effective justice response are uneven and often weak.

Factors that affect accessibility and effectiveness

Figure 1 shows the factors that were identified by the study as hindering the uptake and effectiveness of orders and those that enable accessibility and improve effectiveness. The factors that were found to contribute to positive changes over time include

- key leaders and champions
- incremental and patient approach to change
- working with the available resources to build capacity and skills
- external donor funding for non-government organisations (NGOs) and for the training of government service providers
- many men abiding by orders and
- active provincial Family and Sexual Violence Action Committee.

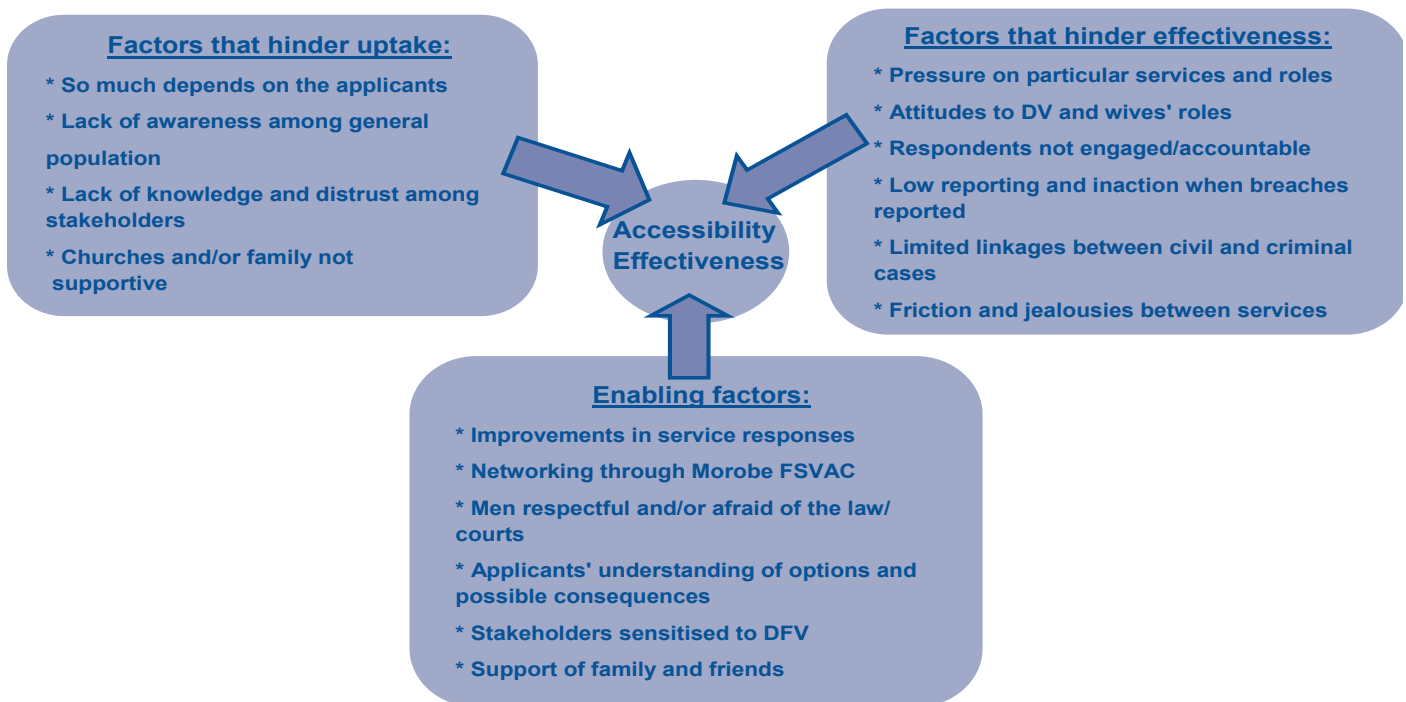
Some of the hurdles to overcome to foster a more efficient and effective family protection order scheme include

- competition and jealousy between agencies and individuals
- avoidance and non-participation of frontline staff who may not understand or support the reform
- limited resources, especially with government social and justice services and
- pressures of increasing demand on key positions and services.

The barriers to immediate and adequate protection for DFV survivors include

- traditional attitudes that do not regard DFV as a criminal or civil legal matter
- the often less-than-powerful position of complainants/survivors

Figure 1: Factors that affect the accessibility and effectiveness of Family Protection Orders



- time consuming procedures and delays
- low reporting, and/or unreliable responses to reports, of breaches.

More to be done

The recommendations and suggestions from stakeholders and women survivors are clustered under three main interrelated headings:

1. **Increased awareness and knowledge among the general public and complainants.** A key theme was the need to involve the churches in future efforts to promote and support the use of and respect for family protection orders.
2. **Boost capacity of key services, including additional staff and more targeted support for children.** Increased awareness and access to justice will increase demand and the pressure on key services. A priority is having more and enhanced safe houses or other safe places.
3. **Improve access to justice by making the process simpler and quicker, ensuring village courts have the guidelines and information they need, and piloting an approach that makes interim protection orders (IPOs) a tenable option for DFV survivors in rural areas.**

In addition, practical suggestions emerged from the consultations and interviews that did not involve much, if any,

additional resourcing. One involves better case tracking by police and courts of DFV cases and the issuing of IPOs or longer-term protection orders (POs) during criminal cases and at the time of sentencing. Two clear priorities are to continue to reduce the time it takes to obtain an IPO and to improve applicants' safety so that they are less likely to not pursue a PO because of concerns for their safety.

This was only a pilot study and further research is required to investigate whether family protection orders are being issued in other locations in PNG and whether similar trends and issues arise. It is vital to investigate more thoroughly whether the orders are effective and improving the safety of applicants.

Author notes

Dr Judy Putt is a research fellow in Department of Pacific Affairs at The Australian National University. Theresa Phillips, Davida Thomas and Lindy Kanan are independent researchers.

References

- Putt, J., T. Phillips, D. Thomas and L. Kanan 2019. *Family Protection Orders: A Key Response to Domestic and Family Violence. A Pilot Study in Lae, Papua New Guinea*. Canberra: Department of Pacific Affairs, Australian National University.

