

FemiliPNG

care. support. change.

PROTECTION ORDER DATA

2014 to 2018



**Australian
National
University**

Department of Pacific Affairs and
Development Policy Centre

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Executive summary

Established in mid-2014 in the urban centre of Lae, Papua New Guinea (PNG), the Femili PNG case management centre is a specialist family and sexual violence (FSV) service that provides a range of services for those affected by FSV, including support and referrals for legal matters. Based on the first two years of its operation, most clients are women, and most matters relate to intimate partner violence.

The Family Protection Act 2013 of PNG included provisions for civil protection orders that aim to improve the safety of family members. A complainant may seek an interim protection order (IPO) from a District or Village Court, and if issued, may be converted into a longer-term protection order (PO) by the District Court.

From August 2014 to May 2018, Femili PNG recorded that 412 of their clients wanted an IPO. The majority were adults (97%), women (94%) and in their twenties or thirties (74%). The average age of the sample was 32 years ranging from a baby to a 60 year old. A quarter of the 25 males were children or babies. There was a slight increase in the age of the clients during the sample period.

De-identified data was accessed from Femili PNG service records and analysed to see what it revealed about the process and outcomes.

Orders issued and converted

During the study period, 389 clients were recorded as having an IPO application lodged, 276 had IPOs issued and 162 had these converted into a PO.

Compared with 2015 and 2016, more IPO applications were lodged in 2017 and there was a higher rate of IPOs issued (82%) and IPOs converted into POs (68%).

The rate of attrition increased at each stage of the process, from a six percent decrease at lodgement; followed by a 29 percent decline in clients who had an IPO issued, and 41 percent fewer had a PO issued. Or put another way, this means that of the 412 who wanted an IPO a majority of clients (67%) had one issued and a minority of clients (39%) went on to have the IPO converted into a PO.

Client withdrawals and non-returns

The main reasons recorded for not getting an IPO were that the client never returned or withdrew her/his application (30% of the clients who wanted an IPO). Similarly, there was no conversion to a PO primarily because the matter was struck out in court due to the non-appearance of the applicant or both parties (24.5% of clients who had an IPO issued) or the client never returned or withdrew the application (13%).

Where the client withdrew an application or never came back, and a reason was recorded, the most common reason was the delay in the process. In 17 cases a long delay was

recorded due to a range of factors, such as no available magistrate, no IPO clerk, missing documents and multiple adjournments. Clients were noted as becoming tired or giving up because of the lengthy delays.

During the study period, eight clients were recorded as making two IPO applications, with the first application not issued in half of the cases because of delays or misplaced documents.

Other reasons recorded for withdrawals included changes in the husband's behaviour or attitude, and safety concerns and/or repatriation of the client to her home village.

Length of time

The overall trend during the study period is a decrease in the time between lodgement and issue of an IPO, and in the time between an IPO being issued and its conversion to a PO. The average time between application lodgement and the issuing of an IPO was 15.9 days. Almost three-quarters of the IPOs were issued within a month after an application was lodged. Almost one fifth (18%) were issued on the same day, and just a half were issued within a week. A small proportion took longer than 36 days (10.5%) with several taking more than four months.

The average time between the issuing of an IPO to the conversion to a PO was 38.5 days. For more than half of the clients (59%) who obtained a PO, it took up to 29 days from when the IPO had been issued. For 13 percent of the clients, it took 71 days or longer, and a few took more than seven months.

Criminal charges

In a small number of cases it was recorded that that criminal charges were laid. For nine clients there had been an assault and/or breach of an order. Of these, in four cases it was recorded that a warrant of arrest was issued, in two cases the alleged offender was arrested and in one, the husband was arrested and sentenced.

Alternative justice processes were mentioned in several cases, either with a Village Court mediating or settling the matter or with the police acting as mediators.

Introduction

Established in July 2014 and based in Lae PNG, the Femili PNG case management centre is a specialist family and sexual violence (FSV) service that supports and advocates for survivors of FSV to help them to access services, including police and the courts¹. As part of a pilot research project in Lae to examine the use and impact of family protection orders, Femili PNG extracted de-identified data on clients who had wanted to take out an interim protection order (IPO) from August 2014 to May 2018². The data included basic information on whether an IPO was lodged and issued, how long the process took, and whether the IPO was converted into a longer-term protection order (PO). The information provides the first assessment in PNG of the uptake of the key provisions under the *Family Protection Act 2013*, which introduced civil protection orders and a specific criminal offence that can be used to prevent and reduce the likelihood of further family violence. This short report summarises the main findings from the Femili PNG data and is divided into three sections: the sample characteristics; the IPO and PO process; and other justice responses.

Sample characteristics

Characteristics of Femili PNG clients

The first two years of information on the Femili PNG service indicates that on average clients stayed in contact for almost two months, and had nine to ten follow up consultations after intake (Femili PNG and ANU 2017). Of the more than 900 clients, the great majority were female (93%), adults (82%), married or co-habiting (83%), reported intimate partner violence (93%) and that the perpetrators were male (88%). About half of the clients had been referred to police (53%) and/or courts (40%), with the majority referred to health services (79%) and a smaller proportion being referred to the welfare department (30%), provided with emergency accommodation (17%) and assistance with relocation (9%).

The sample

The period covered by the IPO data is longer – three years and nine months – and during this time there were changes in the assistance provided to clients and in how the District Court operated and handled family protection order applications. More is said on the changes in a separate report on the pilot project, published by the Australian National University's Department of Pacific Affairs. For this period of time, Femili PNG records were checked to see whether it was recorded that the client expressed a desire to obtain an IPO. The total number of clients where this was the case was 412, which would be approximately one-quarter of the estimated number of new clients in the sample period, based on the numbers recorded for the first two years of the service's operation. Almost all of the clients

¹ For more information on Femili PNG see www.femilipng.org.

² The pilot research project is being lead by Dr Judy Putt of the Australian National University's Department of Pacific Affairs. Dr Putt is also the author of this report. Femili PNG staff also contributed to the data collection and report review including Daisy Plana (CEO), Denga Ilave (Operations Manager), Lindy Kanan (Development Manager), Joan Asanga (Information Officer), Evan Bieso (Case Work Manager), Anna Raymond (In-house Lawyer) and Femili PNG Case Workers.

who wanted an IPO did complete an IPO application (n=389) and most of these lodged an application (n=373). The period covered for when an IPO application was lodged was from 3/8/2014 to 17/5/2018.

Age and gender were the only socio-demographic characteristics accessed for the sample of IPO clients. Most of the sample clients were women (94%, n=387) and adults aged 18 years or over (96%, n=395). The average age was 32 years, with an age range from a baby to a 60-year old. The average age of males, 29 years, was younger with eight of the 25 males being children or babies.

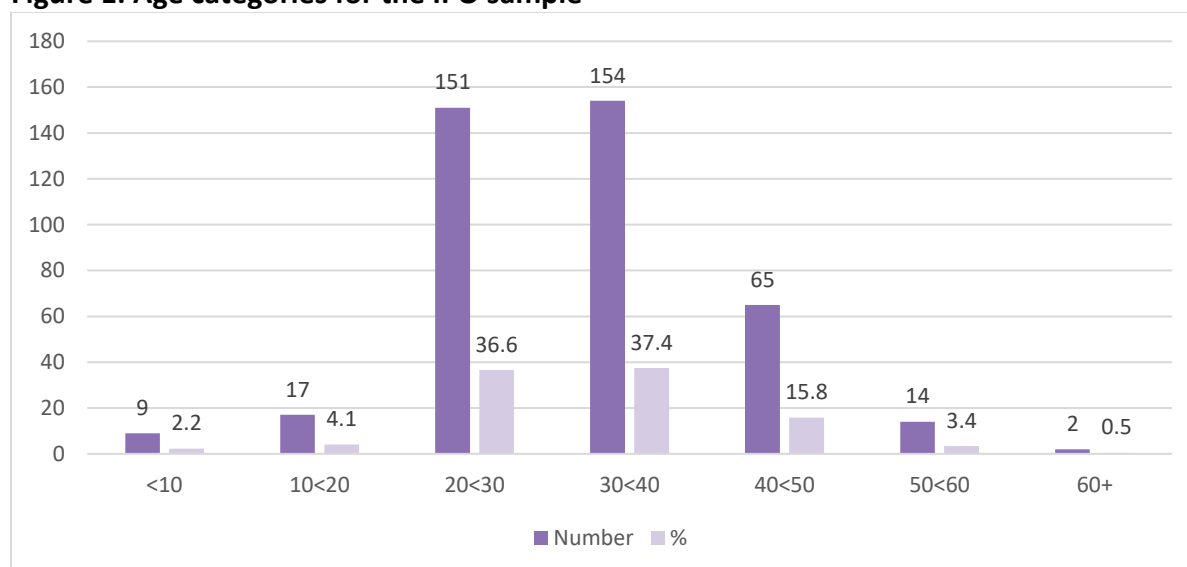
Table 1 and Figure 1 show that three-quarters of the IPO clients were aged in their twenties and thirties (74%). A small proportion were less than 20 years of age (6%), a larger proportion were in their forties (16%) and a small proportion were 50 years or older (4%). Figure 2 shows the trend in the ages of IPO clients, with a slight increase in the age of the clients during the sample period.

Table 1: Age categories for the IPO sample

Category	Number	Percent
<10 years	9	2.2
10<20 years	17	4.1
20<30 years	151	36.6
30<40 years	154	37.4
40<50 years	65	15.8
50<60 years	14	3.4
60+ years	2	0.5
TOTAL	412	100

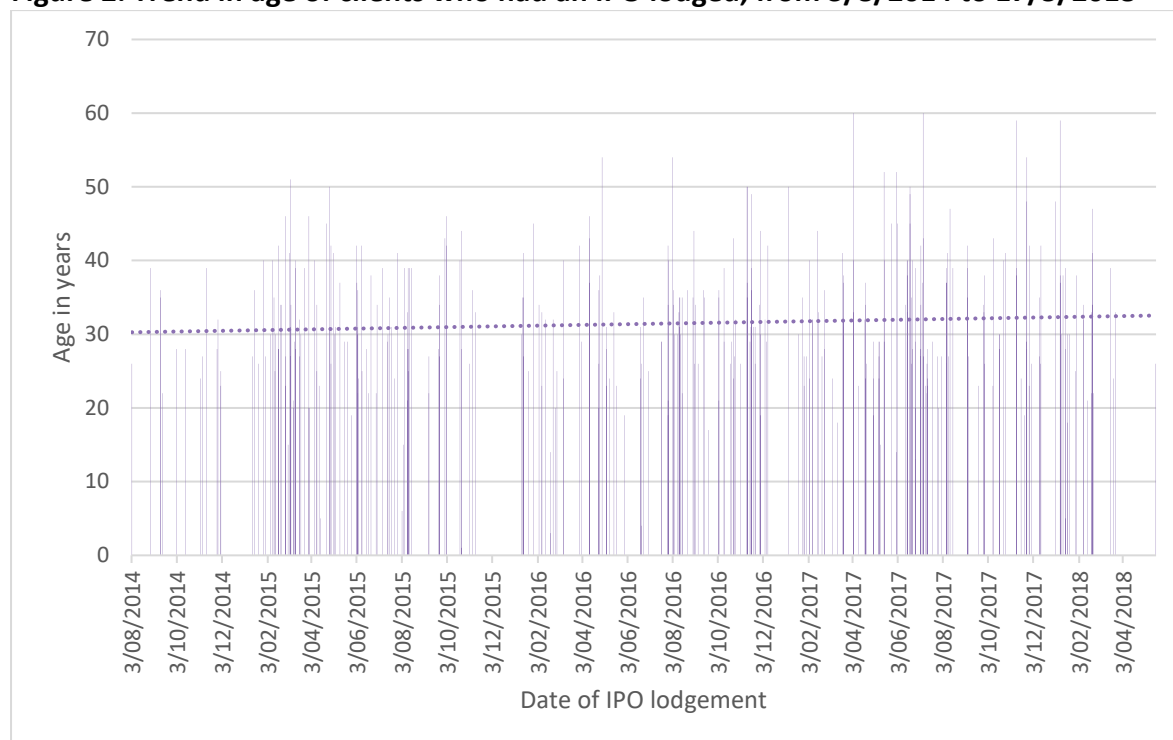
Source: Femili PNG IPO client data, August 2014-May 2018

Figure 1: Age categories for the IPO sample



Source: Femili PNG IPO client data, August 2014-May 2018

Figure 2: Trend in age of clients who had an IPO lodged, from 3/8/2014 to 17/5/2018



Source: Femili PNG IPO client data, August 2014-May 2018: n=383

The IPO and PO process

Trends in applications

As Table 2 shows, the number of lodged IPOs by and/or for Femili PNG clients increased significantly in 2017, when compared with 2015 and 2016, and the proportion of lodged IPOs that were issued and the proportion of issued IPOs that were converted to POs improved as well in 2017.

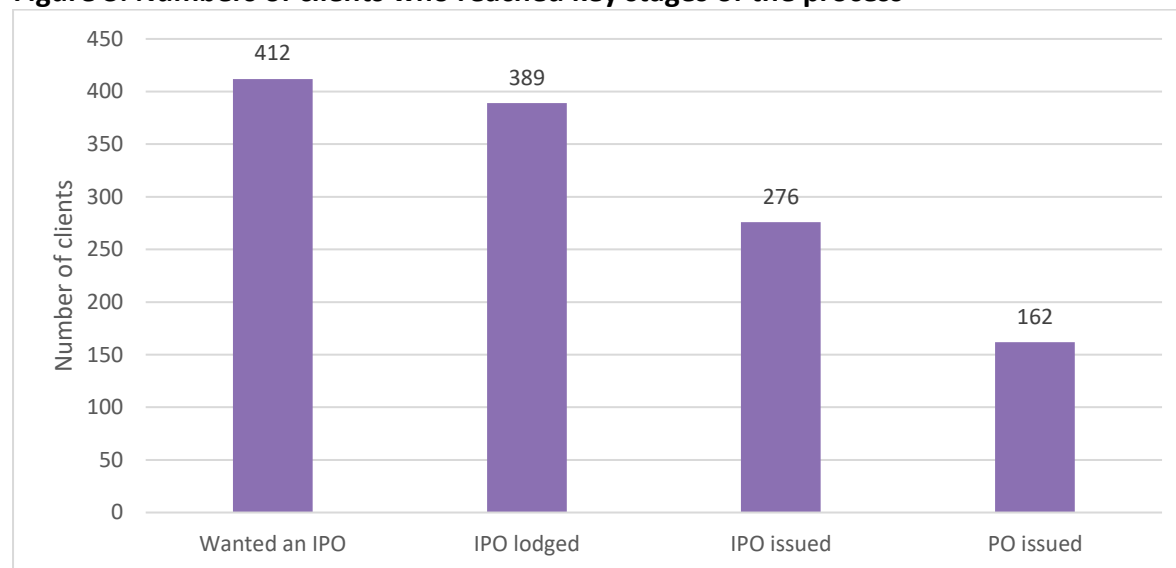
Table 2: Number of IPOs lodged, issued and converted into POs, Femili PNG clients, 2015-2017

	2015	2016	2017
IPOs lodged	104	106	129
IPOs issued	63 (63%)	62 (60%)	105 (82%)
PO conversion	37 (61%)	31 (50%)	71 (68%)

Attrition

The total number of clients who wanted an IPO was 412 but at each step in the process there was a decline in the number of clients. As Figure 3 shows, there were 389 clients recorded as lodging an IPO, a decrease of 6 percent. Of these 389, a total of 276 were recorded as having an IPO issued, a 29 percent decrease. Of the 276 who were issued an IPO, 162 subsequently had a PO issued, a decrease of 41 percent. Overall, this means that the rate of attrition from IPO lodgement to PO issue was 58 percent.

Figure 3: Numbers of clients who reached key stages of the process



Source: Femili PNG IPO client data, August 2014-May 2018

Time

The average time between IPO lodgement and the issuing of an IPO was 15.9 days. The average time between IPO issue to the issuing of a PO was longer and 38.5 days.

Outcomes for clients who wanted an IPO

Of the 412 clients who wanted an IPO, an IPO application was lodged for the majority (94%) and most of them had IPOs issued by the District Court. Of the 412 clients, 389 were recorded as having IPOs lodged, 17 did not and with six it was not known whether one was recorded. Where it was known that the client did not proceed to an IPO lodgement, it was usually noted that the client didn't return or withdrew.

Table 3 shows the outcomes for clients who wanted an IPO. Based on what was recorded, 67 percent had an IPO issued, 22 percent of clients never returned, six percent of the clients withdrew, and three percent were not known. Where the outcome was known, 69 percent of clients had an IPO issued. More is said on reasons for clients not returning and withdrawals below.

Table 3: Outcomes for clients who wanted an IPO

Outcome	Number	Percent
IPO issued	276	67.0
Client never returned	90	21.8
Client withdrew	26	6.3
Client withdrew - other intervention	8	1.9
Don't know	12	2.9
Total	412	99.9

Source: Femili PNG IPO client data, August 2014-May 2018

Time in days between IPO lodgement and issue

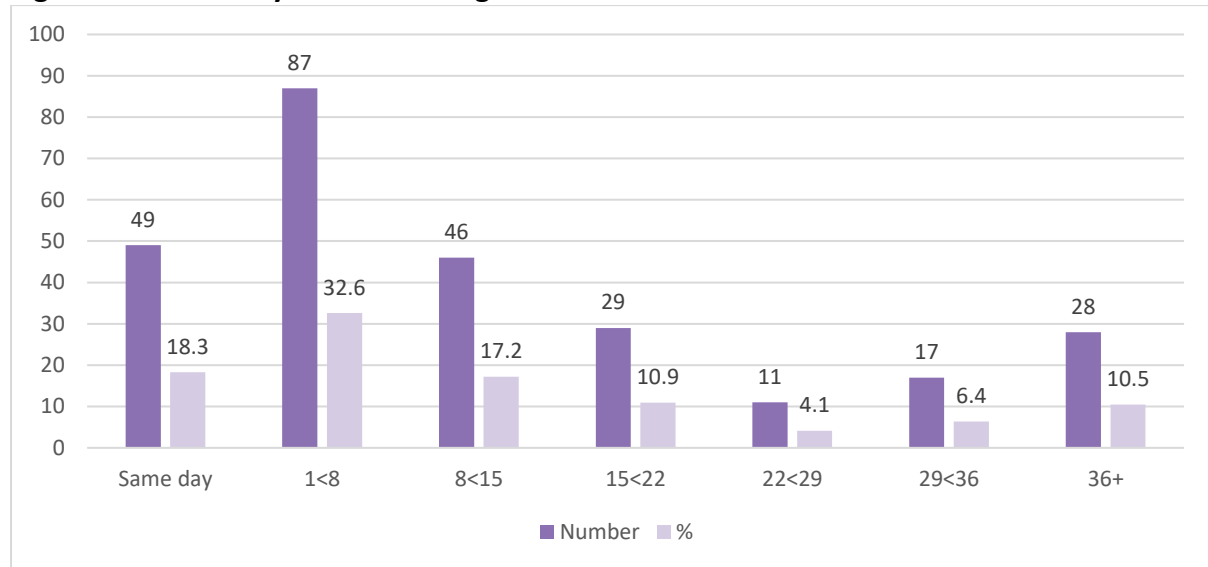
Where IPOs were recorded as being lodged, just over a half (51%) were issued within a week. As Table 4 and Figure 4 show, almost one-fifth (18%) were issued on the same day. Almost one third (32%) were issued after a week and within 29 days. A smaller proportion (18%) took more than a month before being issued, and several took more than four months.

Table 4: Time in days from IPO lodgement to issue

Days	Number	Percent
Same day	49	18.3
1<8	87	32.6
8<15	46	17.2
15<22	29	10.9
22<29	11	4.1
29<36	17	6.4
36+	28	10.5
TOTAL	267	100.0

Source: Femili PNG IPO client data, August 2014-May 2018

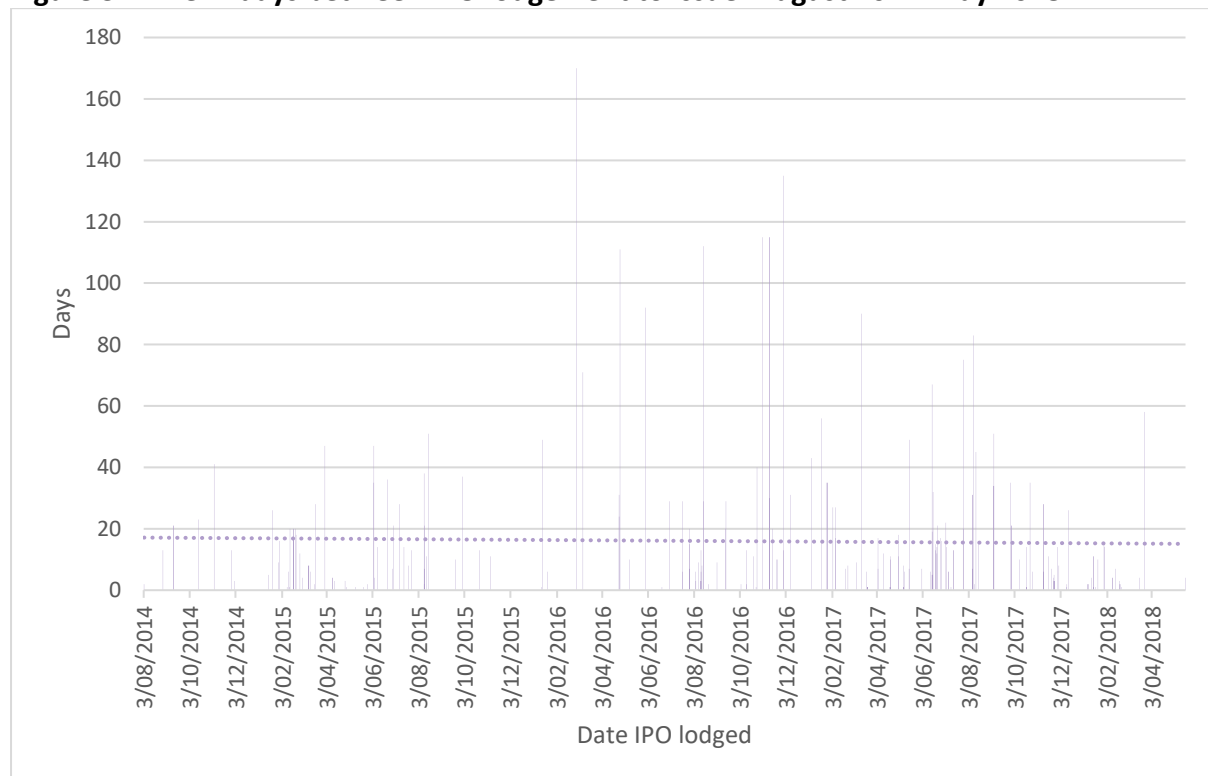
Figure 4: Time in days from IPO lodgement to issue



Source: Femili PNG IPO client data, August 2014-May 2018

Figure 5 presents the trend in the number of days between IPO lodgement to issue. It shows that there is an overall decrease over the period in the time between lodgement and issue.

Figure 5: Time in days between IPO lodgement to issue: August 2014-May 2018



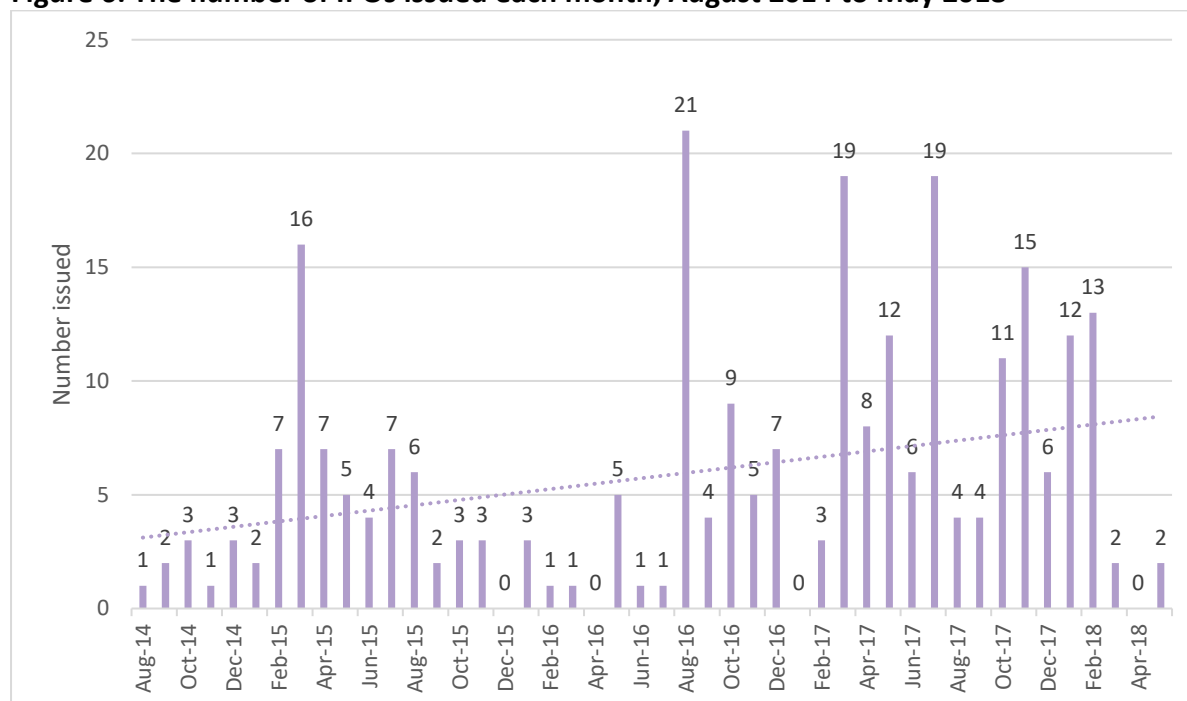
Source: Femili PNG IPO client data, August 2014-May 2018; n=267

The trend in the number of IPOs issued each month

There has been an overall increase in the number of IPOs issued each month and recorded for Femili PNG clients, from August 2014 to May 2018. Figure 6 presents the number each

month during this period, with the lowest numbers recorded during Christmas and Easter periods in 2016 and 2017. The figure shows how the monthly numbers were consistently higher in 2017.

Figure 6: The number of IPOs issued each month, August 2014 to May 2018



Source: Femili PNG IPO client data, August 2014-May 2018; n=266

Clients with two IPO applications

In eight cases, the records indicate that the client had two applications for an IPO during the study period³. With half of the cases, an IPO was not issued the first time because of a range of reasons including a long delay and misplaced documents. With the remaining other half, the IPO was issued the first time but not converted to a PO. In most cases, the second application for an IPO was made within a few months of the first. In two cases, another assault was cited as the reason for the second application. In one case, nearly two years elapsed before the second application was made.

Outcomes for PO conversions after IPOs were issued

More than half of the clients who had IPOs did go on to have a PO issued (59%) (see Table 5 and Figure 7). Again, there was a minority of cases where the clients either did not return or withdrew (13%). According to Femili PNG records, one-fifth of the clients who had an IPO issued (24.5%) had the PO application struck out by the court either because the client did not appear or because both parties did not appear. Where the outcome was known, a slightly larger proportion (61%) had POs issued.

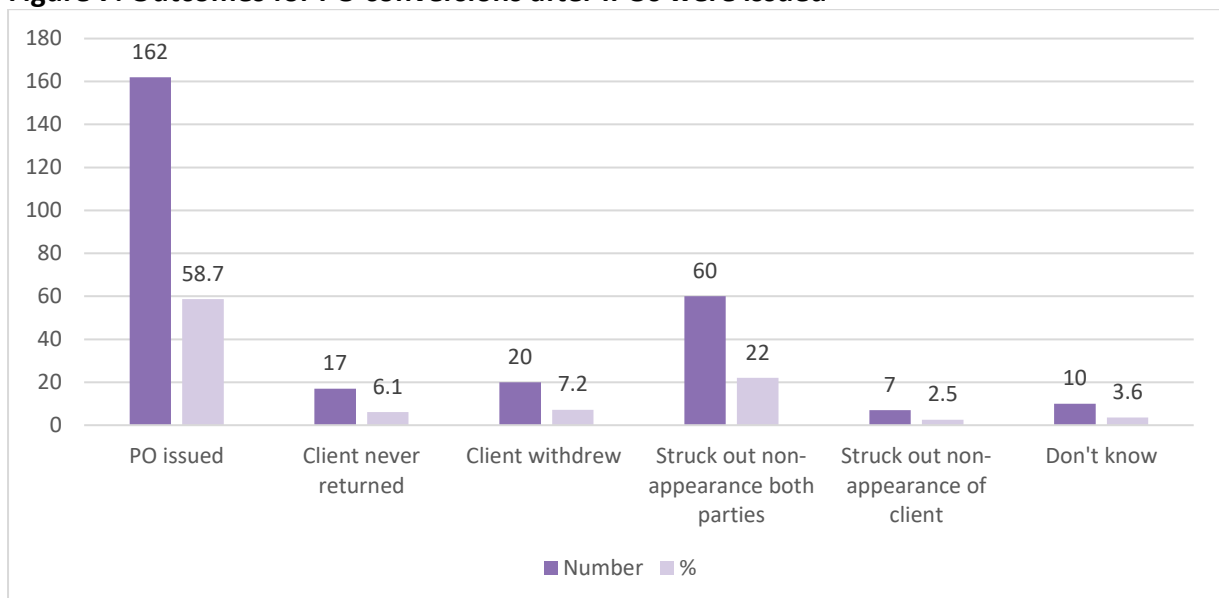
³ Only the first IPO application is counted in the statistics collated for this study.

Table 5: Outcomes for PO conversions after IPOs were issued

Outcome	Number	Percent
PO issued	162	58.7
Client never returned	17	6.1
Client withdrew	20	7.2
Struck out non-appearance both parties	60	22
Struck out non-appearance of client	7	2.5
Don't know	10	3.6
Total	276	100.1

Source: Femili PNG IPO client data, August 2014-May 2018

Figure 7: Outcomes for PO conversions after IPOs were issued



Source: Femili PNG IPO client data, August 2014-May 2018: n=276

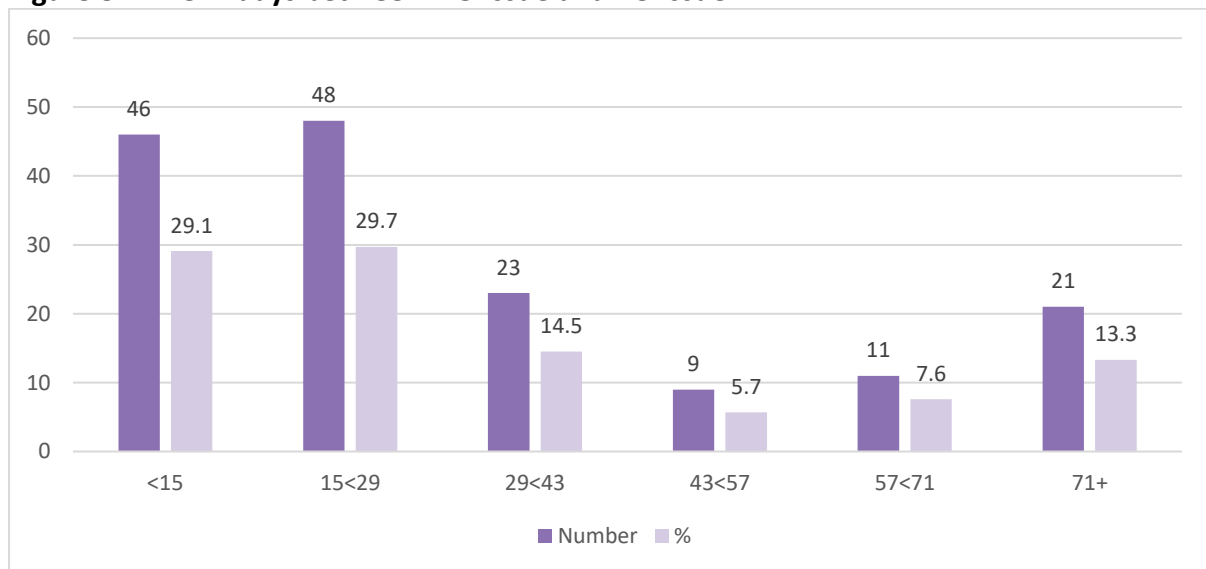
Time in days between IPO issue and PO issue

A total of 158 clients were recorded as having a PO issued by the court. For more than half of these clients (59%) it took up to 29 days from when the IPO was issued to when the PO was issued. For a further 28 percent it took longer than 29 days and less than 71 days. For 13 percent of the clients the period of time was 71 days or longer (see Table 6 and Figure 8). A few took more than seven months. Figure 9 shows that the time between the issuing of an IPO and the issuing of a PO has declined from August 2014 to April 2018.

Table 6: Time in days between IPO issue and PO issue

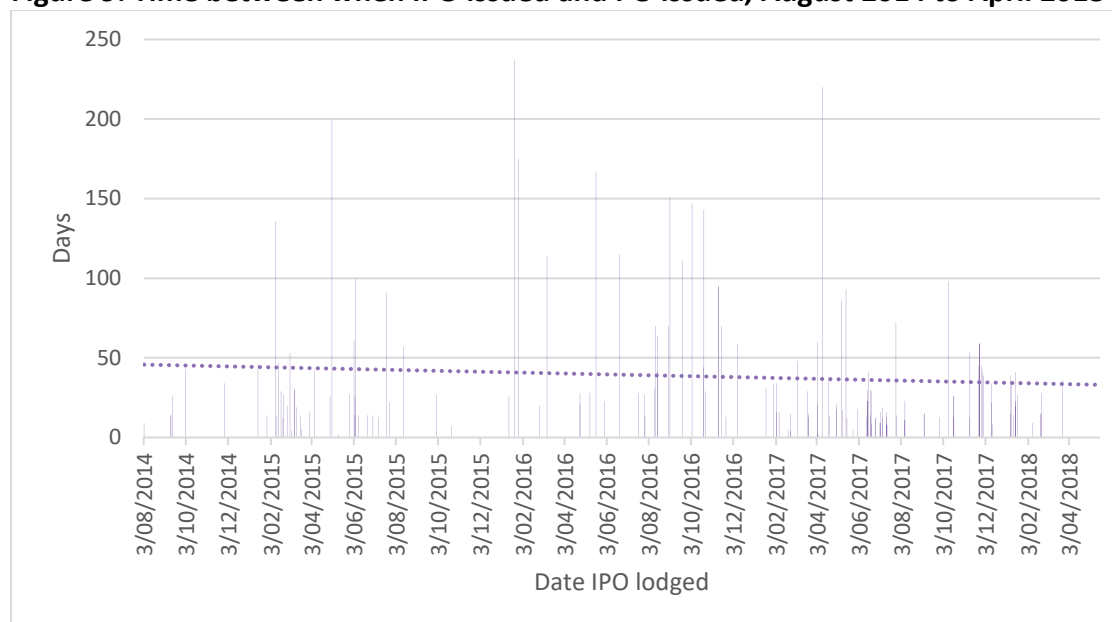
Days	Number	Percent
<15	46	29.1
15<29	48	29.7
29<43	23	14.5
43<57	9	5.7
57<71	11	7.6
71+	21	13.3
Total	158	99.9

Figure 8: Time in days between IPO issue and PO issue



Source: Femili PNG IPO client data, August 2014-May 2018: n=158

Figure 9: Time between when IPO issued and PO issued, August 2014 to April 2018



Source: Femili PNG IPO client data, August 2014-May 2018: n=158

Reasons for withdrawals

When clients did not return or did not appear in court, the reasons are not likely to be known or recorded by Femili PNG. However, where the client withdraws his or her application, an explanation was sometimes recorded. For instance, in eight cases it was noted the husband had changed his attitude and/or behaviour; in four cases the husband had moved to another province, and in five cases the client withdrew because of concerns about their safety and/or Femili PNG arranged for their repatriation back to their home village or province.

A contributing factor to clients not returning to the service or withdrawing an application for an order, was the delay in the process. In 17 cases, long delays in the court process were recorded. Reasons were recorded for the delays in several cases including that there was no available magistrate, no IPO clerk, multiple adjournments and missing documents. In most cases the impact on the client was noted such as the client 'got tired', 'got tired of doing the follow up' of her application, 'gave up waiting', 'decided not to pursue with her case', 'decided to reconcile with her husband' or never came back because of the long delays.

Other justice responses

Criminal charges

Not much information was recorded for criminal charges. Criminal charges may have been laid in other cases and run in parallel to the civil process for orders, but it was either not recorded or not known. It could be that instances of further assault or other breaches of orders were not reported to police or to Femili PNG.

For nine clients, it was recorded that there had been an assault and/or breach of an order. In almost all of the instances (n=7), the assault occurred when an IPO or a PO was in place.

In one case, the client changed her/his plan and decided not to pursue an IPO and to have the perpetrator arrested instead. In four cases, it was recorded that a warrant of arrest was issued for the assault or the breach, two alleged offenders were arrested, and in one case, the husband was recorded as arrested and sentenced.

Mediation

For a small number of clients, alternative justice processes were mentioned. For two clients, a Village Court was reported as mediating or settling the matter. With two other clients, mediation was undertaken by the police (the police Family and Sexual Violence Unit was cited in one case). As a result of these mediations, the client did not pursue the IPO application. Similar to criminal charges, it is unclear whether this small number of recorded mediations is indicative of actual incidence, or reflects the absence of knowledge or recording of such resolutions. Based on interviews conducted for the research project, it was more likely the latter is the case.

Conclusion

The information recorded by Femili PNG on their clients in relation to family protection orders represents an important albeit partial picture of the issuance of orders in Lae. Not all the applications for orders submitted to the District Court involve Femili PNG clients. However, available data suggests the majority are. Moreover, Femili PNG clients are those women who have been assessed as high-risk, and are therefore women in need of some form of protection and support.

The Femili PNG client records show that a significant proportion of new clients have wanted an IPO over a period of three years and nine months. Most have lodged applications, and the number has increased over time, especially in 2017. However, only a sub-set go on to have the IPO converted to a PO. The reasons for this are in many instances not known, as the clients do not return to the service. The analysis of the client records also reveal that there is considerable variation in how long it can take before an IPO is issued, and before an IPO is converted into a PO. However, it appears that over time the process has become more expeditious. The client records do not indicate what may have contributed to these changes.

This client data analysis is part of pilot project that has examined more broadly the uptake and use of family protection orders in Lae. Based on interviews with key stakeholders, it seems the increase in IPO lodgements and improvements in timeliness and outcomes of the applications in 2017 are likely to be due to several factors, including changes in the District Court and in the practices of Femili PNG, especially the addition of in-house legal expertise. Further discussion of trends and issues that emerged from the pilot project is published separately by the Australian National University's Department of Pacific Affairs.

Reference

Femili PNG and ANU Humanitarian Research Program and Development Policy Centre 2017
Client characteristics and services 2014 to 2016: the first two years,
<http://www.femilipng.org/femili-png-the-first-two-years-of-data/>



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