



National School
of Government
International

Functional Review of the Ministry of Justice and Public Order – Republic of Cyprus

Presentation on the Final Report

13th July 2015

Structure of the Presentation

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1. Scope of the Review

- The report deals with the major functional areas of the Ministry' s core responsibilities
- However, Police and Fire were ruled out of scope
- Additionally agreed with GoC that a detailed review of the operation of the Prison would not be carried out but that review would examine governance relationship with the Ministry
- Operation of courts system is under the Supreme Court
- Hence review is not a holistic or complete examination of the justice and public order sector and should not be seen as such

2. Cross-cutting Reforms and their Impact on MoJPO

- MoJPO is part of the second wave of PFM/Strategic Planning reforms
- Task Force has handled SP so far – needs to transform into an institutionalised Strategic Planning Unit
- “Without public administration reform, PFM reform will be severely hampered and we will not enjoy the full benefits of these reforms” (Budget Directorate, November 2013)
- Similar argument for reviews of the sectoral ministries (including MoJPO)

2. Cross-cutting reforms (cont.)

- **GoC has still to pronounce definitively on extent of take-up of HRM reform**
- **This decision will critically condition the extent to which recommendations in this review (and others) can be implemented and the timing of implementation**
- **Therefore action planning is an imprecise art heavily caveated with assumptions**

3. Prisons

- **Functional Review outside scope of the report. Agreed focus on improving the MoJPOs strategic planning and monitoring of prison**
- **Initial findings reflect the programme of reform commenced – reflected in renewed mission statement with greater focus on rehabilitation**
- **Historic issues arising for the prison, context of a high number of recommendations from the Ombudsman not implemented, overcrowding, 2014 number of suicides and attempted suicides reported.**

3. Prisons (Cont)

- **Overcrowding and its impact; 2014 Council of Europe Anti-Torture Unit recommendation to “implement a coherent strategy to combat overcrowding at Nicosia’s Central Prison**
- **Penal Policy – Electronic Monitoring, Alternatives to custody and requisite influence on other Ministries or Government Depts**
- **Management and Staffing Vacancies; Influence of Senior Management and delivery of effective regime**

3. Prisons (Cont)

- **Deployment of staff; high number of back office functions which detract from wing or direct duties, use of civilian staff**
- **Prison Officer training; progress in the provision of training and skills development, ongoing improvement in this area and willingness to seek opportunities both internal to Cyprus and within EU including NOMS**
- **Dependence on other Ministries and Government Departments; increased provision in health care and education resources with future planning**

3. Prisons (Cont)

- **Accountability and Governance; Holding the prison to account, Ministerial confidence in delivery and role of Prison Board**
- **Changes and achievements; Appointment of Special Adviser and Acting Director, progress achieved in significant areas of the prison regime and delivery of services to prisoners, feedback from the Office of the Ombudsman and others regarding reforms**
- **Sustainability; Implementation of the internal action plan, learning and ongoing support from others towards a safe and effective prison regime**

Prison Board Review Findings:

- **There is a lack of clarity as to the purpose and function of the Board – there is no agreed work-plan to focus the Board’s work.**
- **The make-up of the Board does not support an independent and objective standpoint – the majority of members are drawn from across the GoC.**
- **Members represent their institutions; there is a lack of a corporate vision and a cohesive approach to managing business matters.**
- **The role of the Board in dealing with prisoner complaints is ambiguous and potentially duplicates others (Prison Director and Ombudsman).**

Prison Board Review Recommendations

- Detailed terms of reference (ToR) should be developed to:
 - Formalise the role and function of the Board.
 - Establish desired competencies of Board Members.
- The Board should develop an annual action plan.
- Appointed Board Members should at all times maintain an independent and objective viewpoint and reflect this approach in decisions and recommendations, with tenure limited to a fixed term (suggested as a 5 year period).
- The Board should assist in the development and monitoring of a staff Code of Conduct (for Prison Staff) and a Prisoners' Rights Charter.

5. State Archives

- Archives – less than 1% of total MoJPO budget
- However, a good case study of how PFM will promote greater accountability, transparency, improved financial management and operational freedom for discrete service delivery organisational units
- The case for a new “shop-window” for Archives is supported – an under-exploited asset
- In return for more stretching targets on income generation but probably not full self-financing

5. State Archives (cont.)

- **Case for full autonomy not supported – too small to support the governance overhead and not in line with overall policy direction in respect of SOEs/agencies**
- **However, PFM should provide the necessary freedoms to operate a more customer-oriented service whilst preserving important national heritage assets**
- **Reveals the urgent need for modernisation of records management – a cross-cutting issue which has not been given sufficient attention and which could yield significant efficiencies.**

6. Gender Equality

- **Role and function of the Gender Equality Unit; supporting the National Machinery for Womens Rights (NMWR) to deliver the National Action Plan for Gender Equality**
- **External Review; 2013 UN CEDAW reported number of positive achievements. However significant feedback about the NMWR “fragmented, lacked authority and visibility...”. GEU “lacked adequate human, financial and technical resources to effectively carry out its manadate”**

6. Gender Equality (cont.)

- **Response to the External Review; Appointment of Commissioner for Gender Equality, initial sited within MoJPO, priorities included strengthening NMWR and Strategic Action Plan for Gender Equality 2014 – 2017**
- **Commissioner now under the Office of the President**
- **Strengthening the NMWR; review of the four bodies, reducing duplication and having clear remit and responsibilities for each delivery arm for gender equalities – stated aim but who is responsible?**

6. Gender Equality (cont.)

- **Recommendation of the report; consideration to similar independent bodies for Gender Equality as established in UK**
- **Greater influence and accountability for delivering GE across all Government Ministries and Departments through independence**
- **Opposing views – should the GE Unit remain within MoJPO? Ability to influence legislation or policy appropriately at a distance?**
- **Priority to provide the required authority, visibility and resources for the advancement of women and promotion of Gender Equality.**

7. The Anti-Crime Council Findings

- Broad membership but not always acting as a unified body.**
- Lack of detailed Terms of Reference governing the operation of the ACC.**
- Performance against stated objectives is unclear.**
- A high level coordinating role OR a strategic think tank role OR a hands on institution that links with and supports local communities to address issues of crime prevention/reduction at the local level?**
- Best use is not made of available data to prioritise the work of the ACC and direct their attention where it will have most impact.**

The Anti-Crime Council Recommendations

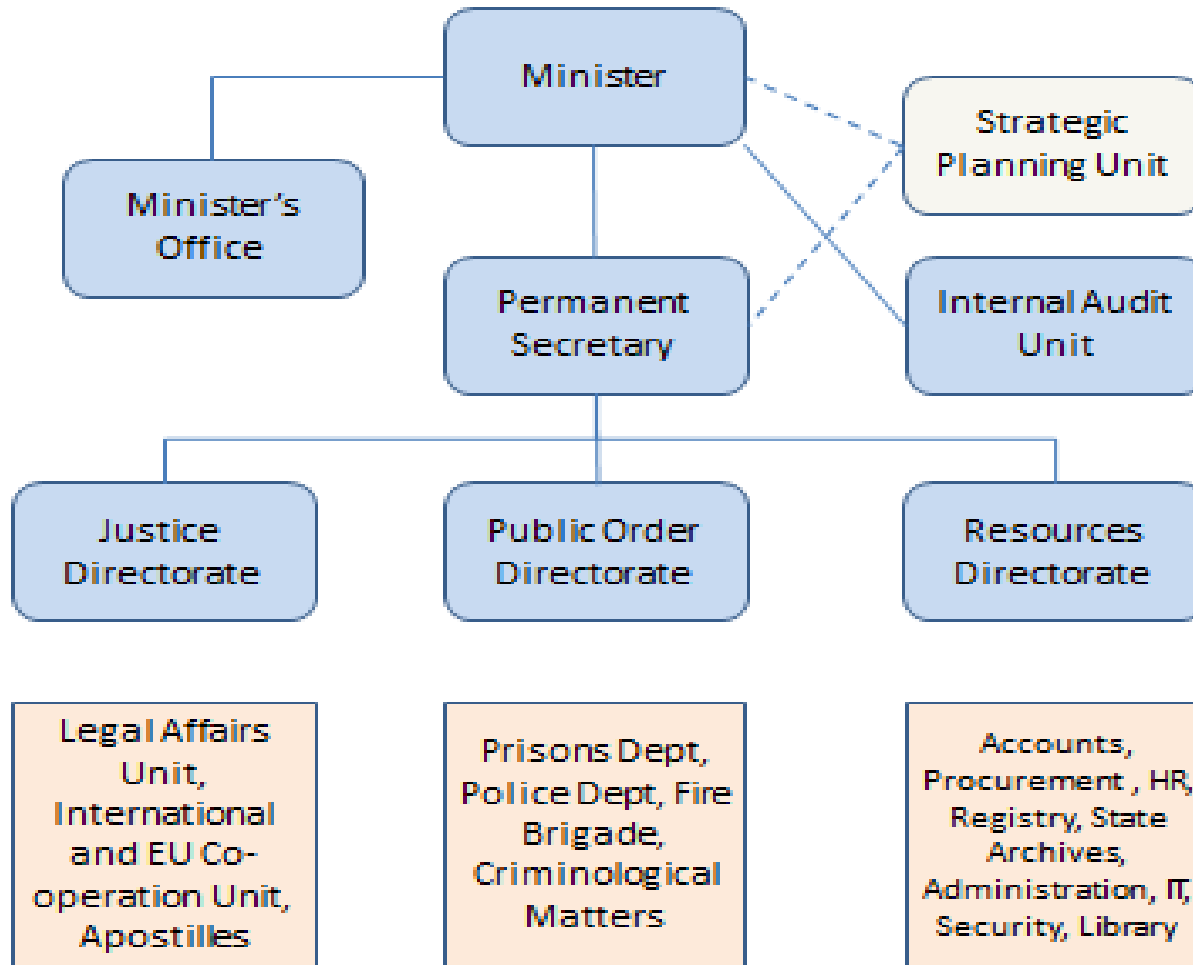
- **Improve governance arrangements through:**
 - Clarifying the role and function of the ACC
 - Reflecting the above in revised Terms of Reference
 - Reviewing membership in accordance with defined objectives.
 - Reviewing performance management and reporting arrangements.
- **Improve data collection and analysis by:**
 - Reviewing the spectrum of available data from all partners on the ACC.
 - Improve capacity to analyse contemporaneous data to establish a real-time picture of crime as well as the long term trend analysis.
- **Establish sub-national crime reduction partnerships.**

8. Organisational Structure

Proposed organisation structure reflects the need for:

- **A small Strategic Planning Unit (PFM)**
- **More coherent grouping of delivery functions based around the title of the Ministry [(1) Justice and (2) Public Order]**
- **Support functions brigaded together**
- **A structure which encourages greater delegated decision-making**
- **... with fewer issues rising to the desk of the Minister and/or Permanent Secretary.**

Proposed Organisation Structure



9. Conclusions and Action Plan

- **The Ministry has made considerable progress in reform of, in particular, the Prison...**
- **...and on re-establishing strategic control of its delivery agencies**
- **....and this work is ongoing**
- **There remain issues around the appropriate roles and responsibilities of the Prison Board and the Anti-Crime Council**
- **The proposed Action Plan included in the report is heavily contingent on decisions on HRM reform (as is PFM reform).**