



# Practical Access to Courts

Access to Justice Webinar Series

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# Welcome and Introduction

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# What is access to justice?

“[t]he ability of people to seek & obtain a remedy through formal or informal institutions of justice, & in conformity with human rights standards.” (UNDP)



# 3 Key Elements of Access to Justice

**1. Practical access for everyone**

2. Efficiency in providing effective remedies

3. Ability to reliably protect basic human rights



# What is the justice gap across the Pacific?

## Sample of findings:

- Most people want expanded court presence and have high confidence in court justice
- 1.3% of people (Solomon Islands) can access Magistrates Court with 75% 'highly confident'
- Out of 100,000 legal problems annually (Fiji), 8/10 rely on self-help and 8/10 legal problems remain unresolved
- 98% of women and children violence victims do not access court justice (Vanuatu) and 82% never seek help from anyone (Solomon Islands)



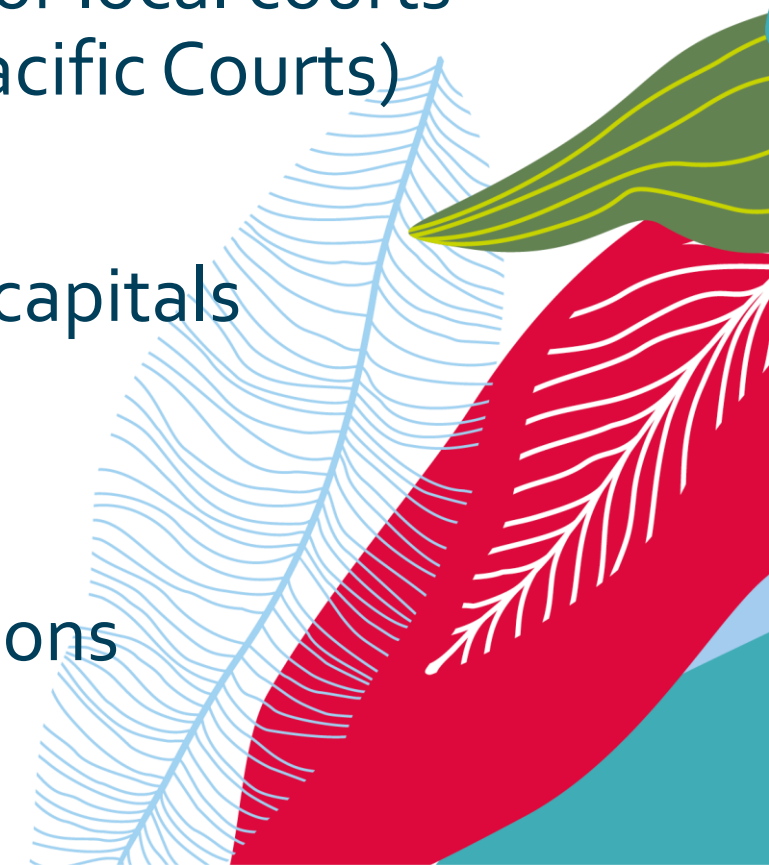
# Where is the largest justice demand?

## Lower Court focus

- 87% of all court cases decided by Magistrates or local courts (based on latest Annual Court Reports for 11 Pacific Courts)

## Justice services highly centralised

- Estimated 80% of court resources invested in capitals
- 15% provincial capitals
- 5% lower levels
- Resourcing does not reflect spread of populations



# Practical access = ability to:

- **Participate:**
  - Physically attend court (close, responsive) **OR**
  - Remotely attend (telephone/video conf.)
- **Afford:** Court fees and other costs to attend
- **Understand:** laws, process & what is expected of them
- **Get help:** legal assistance: advice, representation, referral

# Things to keep in mind....

## **People-centred justice approach:**

- What works best for people (general and vulnerable groups)?
- How are we organised to make it happen?





Also:

**Impact of physical attendance:**

- Chance to bring justice to life!
- Increase community legal awareness
- Two way awareness process:
  - Courts more attuned to community needs
- Chance to bridge justice systems and build support for courts:
  - Engage chiefs, customary & religious authorities, women's organisations, other leaders



And:

**Re-imagine lower level court service model with creative 'can do' thinking:**

- Cost effectiveness
- Sustainability
- Working models attract support



# How do we **reach** more people?

- How are we using **local courts**?
- How are we using **circuit courts**?
- Should we use **mobile courts**?
- How are we utilising **e-justice options**?
- Any other ideas for **expanding reach**?
- How are we **planning, resourcing and organising** our court outreach efforts?



# Local Courts: Discussion

- Where do they sit in our strategy to reach more people?
- Are we fully utilising them? If not, why not?
- How are we building capacity and providing support?
- How are we building caseloads?
- How are we maintaining quality, data and oversight?
- How are we keeping them cost effective?



# Circuit Courts: Discussion

- Are we fully utilising them? If not, why not?
- Organising for success: planning, notice, preventing adjournments, logistics, finances
- Maximising community legal awareness during circuits, targeting particular groups



# Mobile Courts: Discussion

- Global experience
- Pacific experience (Kiribati)



# Mobile courts: global experience

- **Used in 30+ countries**
- **Frequency:** By demand or regular circuit
- **Location:** Village level
- **Venue:** Government office, tent, community meeting space, modified bus
- **Team composition:** Magistrate, 2 court clerks (one in session, one organising/CLE), prosecutor, public defender, police (security), driver/ translator.



# Mobile courts: global experience

- **Equipment:** Vehicle, laptops, portable printer, generator, court sign, listing board
- **Preparation:** prosecutor, defender and court clerks go beforehand to arrange
- **Transporting witnesses:** Some programs offer this; helps prevent adjournments
- **Conducting community legal awareness sessions:** leaders, women, public
- **Court monitors** from CSOs or community trained





# Pros

- Go to people: provide **access**
- **No overhead** of permanent court building
- **Reduce case backlog** including appeals in remote areas
- Strengthen **presence of formal justice** in remote areas
- **Reshape boundaries** of state/non-state justice
- Chance to **transfer cases from local justice** where no jurisdiction (e.g. family and sexual violence)



# Cons

- Cost, sustainability; planning and logistics capacity
- Closed court; protecting identities





# Discussion

Do you think there could be a **role for mobile courts** in your country?

# Remote hearings and e-justice

- Global and Pacific experience
  - Hearings: telephone, video conference
  - Electronic filing
  - SMS reminders to parties
  - Service sms/social media
- Video conference and/or telephone
- Full/partial: 1 witness/party, 1 actor (ie pros,
- Risks and Safeguards



# Considering the humble telephone

Video conferencing requires access to good internet and relevant technology for all parties – this is still inaccessible for lower courts.

**... But could ordinary telephones provide an access to justice breakthrough?**



# For hearings: conference call from court

## **Benefits:**

- Very accessible to parties including in remote locations
- Low cost
- No internet needed
- Can provide additional safety by parties being in different locations



# For service of documents by sms message with photograph of court order/document

## **Benefits:**

- Avoid need for police to serve in remote locations
- Can be followed up by call to recipient to ensure received it and court staff can file affidavit of service



# Discussion

- Do you see a **role for use of telephone hearings** and court service or reminder processes in your court?
- Where and how would you start developing this?





# Administering increased reach of courts

How are we prioritising, planning, resourcing and organising support for local, circuit, mobile, remote court services?

- Logistics
- Budgeting, financial management
- IT support
- Data capture and management
- Awareness raising resources



# Discussion

- How can **increasing reach of courts be prioritised** and most efficiently and effectively managed?
- What is needed?



# Drawing the threads together

- Key points and ideas from discussions
- Sharing guidelines, tools, and resources developed by courts
- Identifying next steps



# Wrap up

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