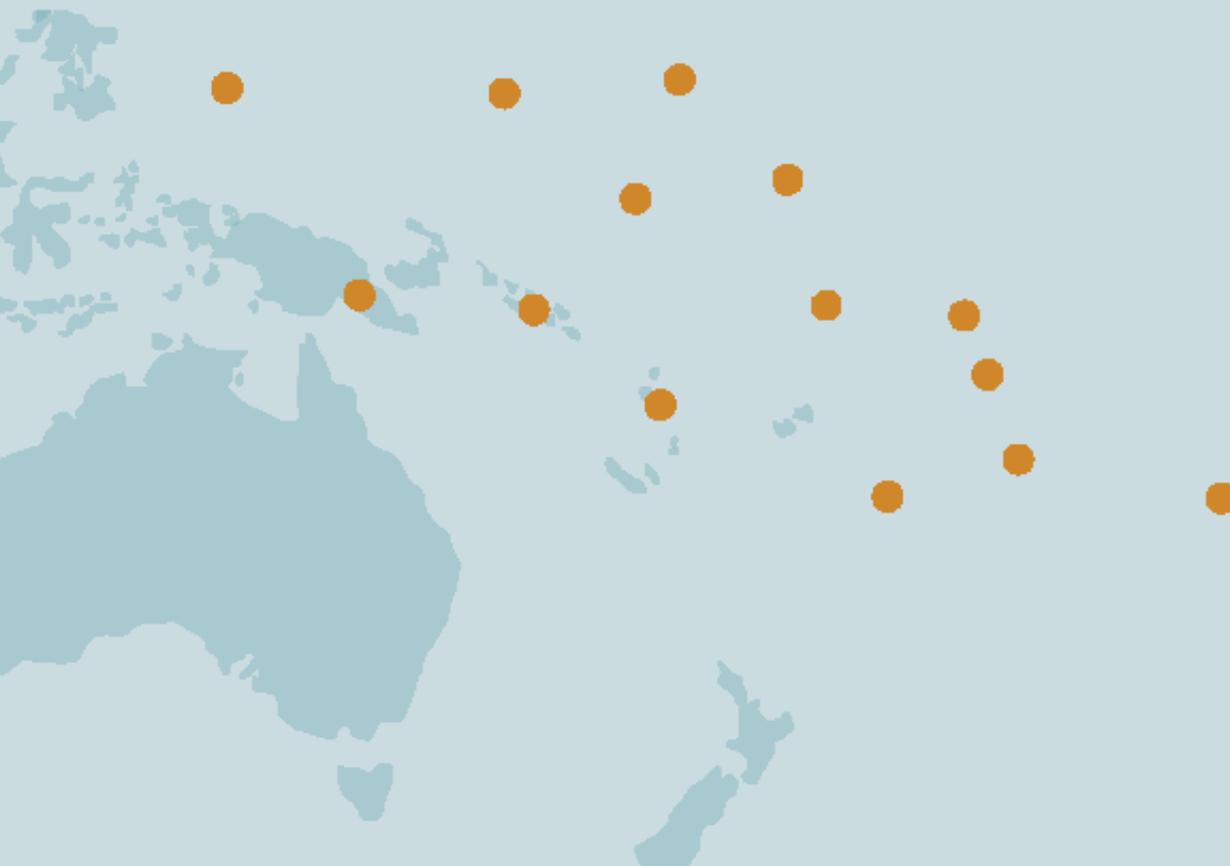




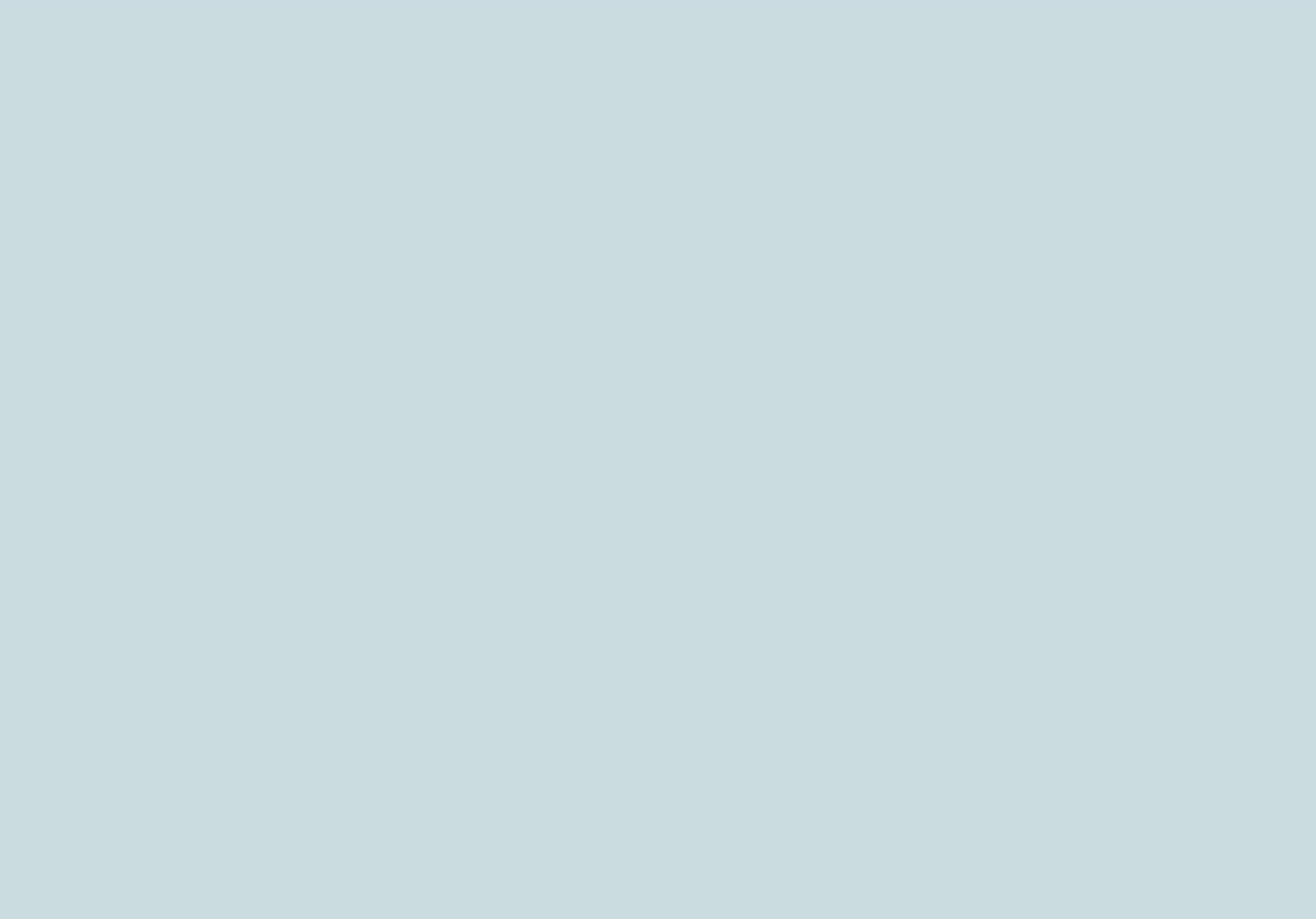
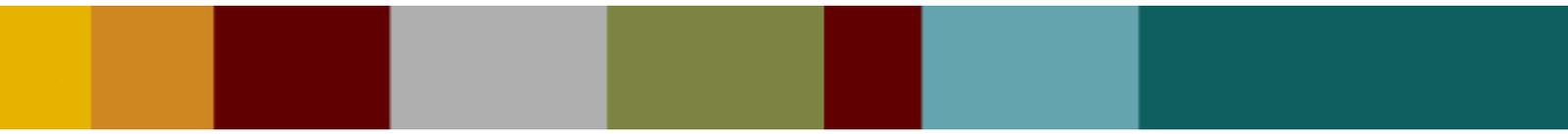
# Pacific Judicial Development Programme

## ANNUAL COURT REPORTING TOOLKIT

May 2018



PJDP is funded by the Government of New Zealand and managed by the Federal Court of Australia





The information in this publication may be reproduced with suitable acknowledgement.

Toolkits are evolving and changes may be made in future versions. For the latest version of the Toolkits refer to the website - <http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>.

Note: While every effort has been made to produce informative and educative tools, the applicability of these may vary depending on country and regional circumstances.

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## PJDP TOOLKITS

### Introduction

For over a decade, the Pacific Judicial Development Programme (PJDP) has supported a range of judicial and court development activities in partner courts across the Pacific. These activities have focused on regional judicial leadership meetings and networks, capacity-building and training, and pilot projects to address the local needs of courts in Pacific Island Countries (PICs).

### Toolkits

Since mid-2013, PJDP has launched a collection of toolkits for the ongoing development of courts in the region. These toolkits aim to support partner courts to implement their development activities at the local level by providing information and practical guidance on what to do. These toolkits include:

- *Access to Justice Assessment Toolkit*
- *Toolkit for Public Information Projects*
- *Enabling Rights & Unrepresented Litigants Toolkit*
- *Judges' Orientation Toolkit*
- *Trainer's Toolkit: Designing, Delivering and Evaluating Training Programs*
- *Toolkit for Review of Guidance on Judicial Conduct*
- *Family Violence/Youth Justice Workshop Toolkit*
- *Time Goals Toolkit*
- *Reducing Backlog and Delay Toolkit*
- *Judicial Decision-making Toolkit*
- *Toolkit for Building Procedures to Handle Complaints about Judicial Conduct*
- *Project Management Toolkit*
- *National Judicial Development Committee Toolkit*
- *Human Rights Toolkit*
- *Gender and Family Violence Toolkit*
- *Judicial Orientation Session Planning Toolkit*
- *Efficiency Toolkit*
- ***Annual Court Reporting Toolkit (2018 UPDATE)***

These toolkits are designed to support change by promoting the local use, management, ownership and sustainability of judicial development in PICs across the region. By developing and making available these resources, PJDP aims to build local capacity to enable partner courts to address local needs and reduce reliance on external donor and adviser support.

### Use and support

These toolkits are available on-line for the use of partner courts at <http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>. We hope that partner courts will use these toolkits as / when required. Should you need any additional assistance, please contact us at: [pjdp@fedcourt.gov.au](mailto:pjdp@fedcourt.gov.au)



## Your feedback

We also invite partner courts to provide feedback and suggestions for continual improvement.

Dr. Livingston Armytage

Team Leader,

Pacific Judicial Development Programme

May 2018

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Additional Documentation –

Annex 1: Court Reporting Workshop Objectives, Session Outlines and Programme .....

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-1.pdf>

Annex 2: PowerPoint Presentations for Those Using the Toolkit to Develop Annual Reports.....

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-2.pdf>

Annex 3: Annual Report Planning Template - A Guide to Who, What, When .....

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-3.pdf>

Annex 4: Annual Report Template.....

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-4.pdf>

Annex 5: Chart Creator Excel Template.....

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-5.xlsx>

Annex 6: Chart Creator (Excel Format): Step-by-step guide on how to use (based on Excel 2010)..

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-6.pdf>

Annex 7: Guide to making charts for an annual report (based on Excel 2007) .....

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-7.pdf>

Annex 8: Example from the Republic of Palau of a Client Satisfaction Survey.....

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-8.pdf>

Annex 9a: CourtTools Access and Fairness Implementation Guide.....

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-9a.pdf>

Annex 9b: CourtTools Access and Fairness Survey Excel Template .....

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-9b.xls>

Annex 10: Indicator Questionnaire.....

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-10.pdf>

Annex 11: Data Collection for Family Law Cases and Violence Cases.....

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-11.pdf>

Annex 12: Tokelau Data Spreadsheet .....

<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Annual-Court-Reporting-Toolkit-AD-Annex-12.pdf>

Annex 13: Sex Disaggregated Data Chart Creator

[http://www.fedcourt.gov.au/\\_data/assets/excel\\_doc/0020/50195/Annex-13-Chart-Creator-Sex-Disaggregated-Data-v3.1-with-DVRO-Data.xlsx](http://www.fedcourt.gov.au/_data/assets/excel_doc/0020/50195/Annex-13-Chart-Creator-Sex-Disaggregated-Data-v3.1-with-DVRO-Data.xlsx)

Annex 14: Juvenile Disaggregated Data Chart Creator

[http://www.fedcourt.gov.au/\\_data/assets/excel\\_doc/0003/50196/Annex-14-Chart-Creator-Juvenile-with-Blank.xlsx](http://www.fedcourt.gov.au/_data/assets/excel_doc/0003/50196/Annex-14-Chart-Creator-Juvenile-with-Blank.xlsx)

Annex 15: Checklist for the collection, analysis and presentation of sex, age and disability inclusive data in an Annual Report

[http://www.fedcourt.gov.au/\\_data/assets/pdf\\_file/0005/50198/Annex-15-Checklist-for-Sex,-Age-and-Disability-Inclusive-Data-in-Annual-....pdf](http://www.fedcourt.gov.au/_data/assets/pdf_file/0005/50198/Annex-15-Checklist-for-Sex,-Age-and-Disability-Inclusive-Data-in-Annual-....pdf)

Annex 16: Survey on Family Law and Family Protection Act cases (Palau Judiciary draft survey)

[http://www.fedcourt.gov.au/\\_data/assets/pdf\\_file/0007/50200/Annex-16-Palau-Family-Law-and-Family-Protection-Act-Survey.pdf](http://www.fedcourt.gov.au/_data/assets/pdf_file/0007/50200/Annex-16-Palau-Family-Law-and-Family-Protection-Act-Survey.pdf)

Annex 17: Taking steps to make a court more accessible for people living with a disability

[http://www.fedcourt.gov.au/\\_data/assets/pdf\\_file/0009/50202/Annex-17-Taking-Steps-to-make-a-Court-more-Accessible-for-People-living-....pdf](http://www.fedcourt.gov.au/_data/assets/pdf_file/0009/50202/Annex-17-Taking-Steps-to-make-a-Court-more-Accessible-for-People-living-....pdf)

Annex 18: Fiji Courts Cases on PaCLII 2011-2017

[http://www.fedcourt.gov.au/\\_data/assets/pdf\\_file/0011/50204/Annex-18-Fiji-Courts-2011-2017-Cases-on-PaCLII.PDF](http://www.fedcourt.gov.au/_data/assets/pdf_file/0011/50204/Annex-18-Fiji-Courts-2011-2017-Cases-on-PaCLII.PDF)

## ABBREVIATIONS

- CoCP - Court of Common Pleas
- CRPD - Convention on the Rights of Persons with Disabilities
- CSO - Civil Society Organisation
- FSM - Federated States of Micronesia
- ICAAD - International Center for Advocates Against Discrimination
- IFCE - International Framework for Court Excellence
- MFAT - New Zealand Ministry of Foreign Affairs and Trade
- MSC - Managing Services Contractor – Federal Court of Australia
- NC - National Coordinator
- NGO - Non-Governmental Organisation
- NJDC - National Judicial Development Committee
- PacLII - Pacific Islands Legal Information Institute
- PIC - Pacific Island Country
- PJDP - Pacific Judicial Development Programme
- PJSI - Pacific Judicial Strengthening Initiative
- PNG - Papua New Guinea
- RMI - Republic of the Marshall Islands
- SGBV - Sexual and Gender Based Violence
- UNICEF - United Nations Children's Fund

## Foreword

*In Apia, Samoa in March 2012, Chief Justices endorsed the recommendations in the Regional Justice Performance Framework in which the Chief Justices of the countries participating in the Pacific Judicial Development Programme agreed to progressively build the capacity of their judicial and court staff colleagues to publish court Annual Reports. This followed a meeting of Chief Justices in Rarotonga, in the Cook Islands, in mid-2011 where a range of possible court performance measures were considered before the Chief Justices agreed upon the 15 Cook Island Indicators that are discussed in more detail in this Toolkit.*

*The Cook Island indicators were chosen by PJDP Chief Justices as they represented essential data that jurisdictions, whether large or small, should ideally have the capacity to collect, analyse and present in their annual reports. As can be seen in Part 1 of this Toolkit, the capacity of courts to collect, analyse and report on court performance data has been considerably strengthened over the implementation period of PJDP and the first year of PJSI. Over time, this list of indicators may be extended in line with the ability of more courts to collect, analyse and report on court performance data in more complex ways.*

*This third edition of the Annual Reporting Toolkit presents a wealth of experience and ideas that have been generated over the last seven years interacting with the 14 PJDP PICs. The Chief Justices and their colleagues in the Cook Islands, the Republic of the Marshall Islands, the Republic of Palau, Papua New Guinea and Tokelau have contributed considerably to many of the tools and checklists that are part of this Toolkit and a great debt is owed to all PJDP Chief Justices for their generous contributions over the last seven years.*

*Reflecting on the last seven years, one of the most striking observations is that excellent Annual Reports are constantly evolving and reflect the dynamism and innovations being introduced by the courts during the reporting year.*

*This Toolkit complements the work of many other advisers and the Toolkits they have developed under PJDP and the Pacific Judicial Strengthening Initiative.*

Cate Sumner

Annual Reporting Adviser

Pacific Judicial Strengthening Initiative

28 February 2018

### Ideas for Improving Annual Reports – Does Your Court Tick all 10 Boxes?

This Toolkit is the 3<sup>rd</sup> edition of the Annual Reporting Toolkit. Take the 10-point tick test to see whether there is something new in this Toolkit that may be valuable for your court.

Can your Court tick yes to the following?	YES	NO
<p>1 Has your court published an Annual Report on PaCLII and/or a court website for each of the last five years?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2 Does your court look at the way other courts present information in their Annual Reports? It is helpful to review the Annual Reports of similar courts but also approaches taken by courts in other regions or by a different jurisdiction.</p> <p>If not, look at the links to other PJDP jurisdictions Annual Reports in Part 1.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>3 Does your Court Annual Report assess performance against standards that have been set by your Court, and, if the court has not achieved those performance standards, explain why and what steps the court is taking to remedy this?</p> <p>If not, look at Part 3 of this Toolkit and the links to other Toolkits that may be helpful.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>4 Does your Court Annual Report present trends in performance over a 3-5 year period?</p> <p>If not, look at the Chart Creator section in Part 3 and the relevant Chart Creator Annexes to this Toolkit.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>5 Does your Court Annual Report present the Court's performance against a range of quantitative performance indicators?</p> <p>If not, look at Part 3 of this Toolkit.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>6 Does your Court Annual Report include disability disaggregated data?</p> <p>If not, look at Part 3 of this Toolkit.</p>	<input type="checkbox"/>	<input type="checkbox"/>



7	Does your Court Annual Report include sex and age disaggregated data?  If not, look at Part 3 of this Toolkit.	<input type="checkbox"/>	<input type="checkbox"/>
8	Does your Court Annual Report present the Court's performance against a range of qualitative performance indicators from court user surveys, regular court stakeholder dialogues, or other evaluations conducted by the court and demonstrate how this information is being used to improve court performance?  If not, look at Part 4 of this Toolkit.	<input type="checkbox"/>	<input type="checkbox"/>
9	Does your Court Annual Report analyse the Court's performance in the context of environmental factors during the last year that may have contributed to better or poorer than usual performance?	<input type="checkbox"/>	<input type="checkbox"/>
10	Does your Court Annual Report use plain language, relevant diagrams and a clear format to illustrate and add emphasis?  If not, look at Part 5 of this Toolkit listing a number of tools that have been developed to assist Courts with presenting information in their Annual Reports.	<input type="checkbox"/>	<input type="checkbox"/>

## 1 APPROACH TO DRAFTING AN ANNUAL REPORT

The Annual Report is part of a broader picture of court performance. The Chief Justices at their leadership meeting in Apia, Samoa in March 2012 endorsed the recommendations in the Regional Justice Performance Framework:

The Chief Justices of the countries participating in the Pacific Judicial Development Programme agree to progressively build the capacity of their judicial and court staff colleagues so as to publish court Annual Reports:

- i. on national and Pacific regional websites,
- ii. within one year of the end of the reporting period,
- iii. that include:
  - court performance data and results against the 15 indicators and Recommendations presented in the PJDP Baseline Report;
  - court performance standards for each level of court and annual results against those standards;
  - a summary of the key findings from any court stakeholder / potential court user surveys and dialogues that have taken place in the previous year; and
  - financial statements, including Court budget execution statements.

The discussion on judicial monitoring and evaluation issues with Chief Justices of the participating PJDP countries has focussed on building more effective and robust monitoring and evaluation of court performance in the following five key areas through supporting national courts to:

- i. collect court performance results, including on the 15 Cook Island indicators<sup>1</sup>;
- ii. analyse and evaluate court performance results over a number of years to obtain trend data;
- iii. set realistic and appropriate court performance standards based upon the court performance data collected;
- iv. undertake, on a periodic basis, court user and potential court user surveys to better understand what matters to actual and potential court users in the delivery of quality court services; and
- v. report annually on court performance in Annual Reports and publish Annual Reports on PacLII or national websites.

A number of countries participating in the Pacific Judicial Development Programme have identified Annual Reports as an area that they would like further technical support from PJDP. This Court Report Toolkit shares

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<sup>1</sup> The 15 Cook Island indicators were developed by the PJDP partner courts and are elaborated in: PJDP 2011 Court Baseline Report (2012) at p21.

the experience that has been gained working with Chief Justices, judicial officers and court staff in a majority of the 14 PJDP countries. As part of the PJDP Court Annual Report Activity the ability of courts to report on 15 court performance indicators has been assessed and can be reviewed in:

- i. PJDP 2011 Court Baseline Report and
- ii. PJDP 2012 Court Trend Report.
- iii. PJDP 2014 Court Trend Report<sup>2</sup>

These changes can be summarised as follows:

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<sup>2</sup> The 2011 Baseline Report as well as 2012 and 2014 Trend Reports can be accessed on the PJDP website:  
<http://www.fedcourt.gov.au/pjdp/materials-developed>

**Table A** Percentage of the 14 PJDP countries that report on the indicator in the 2011 Baseline year and 2014 fourth year of trend data.

Indicator		Percentage of the 14 PJDP countries that report on the indicator in the 2011 Baseline Report	Percentage of the 14 PJDP countries that report on the indicator in the 2014 Trend Report
1	Clearance rate	64% (9 of 14)	86% (12 of 14)
2	Average duration of a case from filing to finalisation	14% (2 of 14)	71% (10 of 14)
3	The percentage of appeals	57% (8 of 14)	86% (12 of 14)
4	Overtake rate on appeal	21% (3 of 14)	79% (11 of 14)
5	Percentage of cases that are granted a court fee waiver	21% (3 of 14)	86% (12 of 14)
6	Percentage of cases disposed through a circuit court	50% (7 of 14)	71% (10 of 14)
7	Percentage of cases where a party receives legal aid	14% (2 of 14)	57% (8 of 14)
8	Documented process for receiving and processing a complaint that is publicly available	21% (3 of 14)	43% (6 of 14)
9	Percentage of complaints received concerning a judicial officer	21% (3 of 14)	79% (11 of 14)
10	Percentage of complaints received concerning a court staff member	14% (2 of 14)	79% (11 of 14)
11	Average number of cases per judicial officer	57% (8 of 14)	86% (12 of 14)
12	Average number of cases per member of court staff	43% (6 of 14)	84% (12 of 14)
13	Court produces or contributes to an Annual Report that is publicly available in the following year	7% (1 of 14)	71% (10 of 14)
14	Information on court services is publicly available	29% (4 of 14)	64% (9 of 14)
15	Court publishes judgments on the Internet (court website or the Pacific Legal Information Institute)	93% (13 of 14)	93% (13 of 14)

5 or less PJDP countries can report on the indicator.

6–9 PJDP countries can report on the indicator.

10 or more PJDP countries can report on the indicator.

**Table B** 14 PJDP countries that currently report on the 15 indicators

PJDP Countries		Cook Islands	FSM	Kiribati	Marshall Islands	Nauru	Niue	Palau
<b>2011 Baseline Report</b>		1	1	4	14	2	1	11
<b>2012 Trend Report</b>		10	6	5	15	2	12	14
<b>2014 Trend Report</b>		12	12	15	15	2	12	15
Type	Indicator							
<b>1</b>	Case Management Information Case finalisation/clearance rate							
<b>2</b>	Case Management Information Average duration of a case							
<b>3</b>	Appeals The percentage of appeals							
<b>4</b>	Appeals Overturn rate on appeal							
<b>5</b>	Access Percentage of cases that are granted a court fee waiver							
<b>6</b>	Access Percentage of cases disposed through a court circuit							
<b>7</b>	Access Percentage of cases where party receives legal aid							
<b>8</b>	Complaints Documented process for receiving and processing a complaint that is publicly available							
<b>9</b>	Complaints Percentage of complaints received concerning a judicial officer							
<b>10</b>	Complaints Percentage of complaints received concerning a court staff member							
<b>11</b>	Human Resources Average number of cases per judicial officer							
<b>12</b>	PaclII Average number of cases per court staff							
<b>13</b>	Judicial Transparency Court procedures or contributes to an Annual Report that is publicly available							
<b>14</b>	Judicial Transparency Information on court services is publicly available							
<b>15</b>	Judicial Transparency Judgments on PaclII							

Can report on the indicator    
 Cannot report on the indicator/judgments online but not for the previous 2 years    
 Judgments online but not available for the previous year/produces an Annual Report but not clear how the public can access it.

PJDP Countries			PNG	Samoa	Solomon Islands	Tokelau	Tonga	Tuvalu	Vanuatu
<b>2011 Baseline Report</b>			6	1	3	5	5	9	6
<b>2012 Trend Report</b>			3	5	3	10	12	1	6
<b>2014 Trend Report</b>			11	12	11	12	15	2	13
Type	Indicator								
1	Case Management Information	Case finalisation/clearance rate							
2	Case Management Information	Average duration of a case							
3	Appeals	The percentage of appeals							
4	Appeals	Overturn rate on appeal							
5	Access	Percentage of cases that are granted a court fee waiver							
6	Access	Percentage of cases disposed through a court circuit							
7	Access	Percentage of cases where party receives legal aid							
8	Complaints	Documented process for receiving and processing a complaint that is publicly available							
9	Complaints	Percentage of complaints received concerning a judicial officer							
10	Complaints	Percentage of complaints received concerning a court staff member							
11	Human Resources	Average number of cases per judicial officer							
12	Human Resources	Average number of cases per court staff							
13	Judicial Transparency	Court procedures or contributes to an Annual Report that is publicly available							
14	Judicial Transparency	Information on court services is publicly available							
15	Judicial Transparency	Judgments on PacLII							

Can report on the indicator    
 Cannot report on the indicator/judgments online but not for the previous 2 years    
 Judgments online but not available for the previous year/produces an Annual Report but not clear how the public can access it.

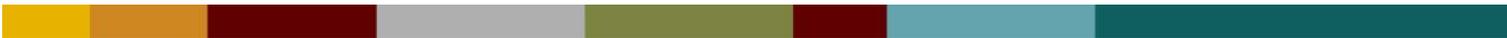
When PJDP embarked on the Court Annual Reporting activity in 2011, three jurisdictions had sought assistance under PJDP with the aim of improving their court performance reporting through Annual Reports. These jurisdictions were Palau, Papua New Guinea and Tokelau. What emerged over PJDP was a willingness from the majority of PJDP jurisdictions to embrace the idea of Annual Reporting in some form or other through using the Court Annual Reporting Toolkit.

Some reflections on the journey so far:

- I. **Improved Transparency:** In the baseline year of 2011, only the judiciaries of the Marshall Islands and Vanuatu published an annual report each year and only the Marshall Islands judiciary produced an Annual Report that was publicly available through the court's website or PacLII. In 2015, judiciaries in 12 of the 14 PJDP countries produce or contribute to an Annual Report. Ten of the 14 PJDP countries (71%) produced an Annual Report<sup>3</sup> in the year immediately following the reporting period and nine of these Annual Reports are published on the internet.
- II. **Improved Consistency:** In 14 of the 15 Cook Island court performance indicators, there is a trend improvement in the number of PJDP countries able to report on the indicator over the PJDP programme (see Table A above).
- III. **Increased Reporting:** From 2011-2014, seven of the 14 PJDP judiciaries issued their first judiciary Annual Report Number: Cook Islands, FSM, Kiribati, Niue, Palau, Tokelau and Tonga. During this time the judiciaries in the Cook Islands, Niue and Tonga commenced the practice of issuing a separate Annual Report that provided a much greater level of court performance information than had previously been included in the annual reports prepared by the Ministry of Justice or Department of Justice, Lands and Survey in their country. The experience of the Cook Islands and Tokelau in compiling their first court annual report is presented in Section 4 of this Toolkit.
- IV. **Improved Public Access to Court Annual Reports:** In the 2011 Baseline Report, only one of the 14 PJDP countries produced or contributed to an annual report that was publicly available in the following year. In 2015, 10 of the 14 (71%) PJDP countries have produced or contributed to an annual report that is now publicly available in the following year. This represents a significant improvement in the accountability and transparency of judiciaries in the Pacific. PacLII continues to play an important role in facilitating accountability and transparency in justice systems across the Pacific through its publication of judgments and annual reports from the 14 PJDP jurisdictions.

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<sup>3</sup> Annual Report includes the Statements made by the Chief Justices of Kiribati and the Solomon Islands at the beginning of the new legal year that summarise the performance of the court in the previous year.

- 
- V. **Smallest PJDP Jurisdictions Promote Increased Transparency:** In the 2011 Baseline Report, only two of the 14 (14%) PJDP countries were able to report on 10 or more of the 15 Cook Islands court performance indicators. In 2015, 12 of the 14 PJDP countries are able to report on ten or more of the Cook Island indicators.
- VI. **Increased presentation of Trend Data in Annual Reports:** The PJDP Excel Chart Creator was a tool created by PJDP in late 2013 and allows courts to enter trend data over a number of years on most of the Cook Island indicators. Recent Annual Reports from a number of PJDP judiciaries include trend data presented in clear charts and tables using the PJDP Excel Chart Creator Tool.
- VII. **Continued Commitment to Client Surveys and Feedback Mechanisms:** Client satisfaction surveys allow judiciaries to understand the degree to which clients are satisfied with the services provided by the court and receive feedback on the areas where clients think the court could improve their service. Section 4 of this Toolkit shows how the following two PJDP jurisdictions have conducted client satisfaction surveys to obtain feedback on the quality of service provided by the Court:
- Supreme Court of the Republic of Palau Access and Fairness Survey 2011, 2012 and 2014.
  - Republic of the Marshall Islands Judiciary Access and Fairness Survey 2012, 2014, 2016.

In April 2018, an overview of all 14 PJSI jurisdictions was presented to Chief Justices at their Leadership Meeting in Apia that reviewed:

- I. whether courts had published or contributed to a Ministry of Justice Annual Report for each of the last five years. See Table C below updated.
- II. if sex, age and disability disaggregated data was included in this Annual Report. See Table D below updated.

Kiribati presented some excellent sex disaggregated data that presented trend data for the years 2012-2014. The Cook Islands, FSM, Kiribati, RMI and Palau presented data on juvenile cases and no jurisdiction presented disability disaggregated data or mentioned strategies to respond to clients with different impairments seeking services at the court. This revised Toolkit has new sections (3.5, 3.6 and 3.7) that provide guidance on how these disaggregated data may be collected, analysed and presented in Annual Reports.



<b>Table C: PJSI Annual Reports – Public Accountability (as of April 2018)</b>							
	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
<i>Cook Islands</i>	<i>No Annual Report.</i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.justice.gov.ck/">http://www.justice.gov.ck/</a></i>	
<i>Federated States of Micronesia</i>	<i>No Annual Report for the FSM judiciary.</i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report produced but it is not published on the FSM Judiciary or PaclII websites.</i>	<i>Annual Report can be accessed at: <a href="http://fsm-supremecourt.org/">http://fsm-supremecourt.org/</a> and <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>No Annual Report for the FSM judiciary.</i>	<i>No Annual Report for the FSM judiciary.</i>	
<i>Kiribati</i>	<i>No Annual Report.</i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Kiribati advised that the 2015/ 2016 Annual Report is expected in June 2018.</i>		



<i>Nauru</i>	<i>No Annual Report</i>	<i>No Annual Report</i>	<i>No Annual Report</i>	<i>No Annual Report</i>	<i>No Annual Report</i>	<i>No Annual Report</i>	
<i>Niue</i>	<i>No Annual Report</i>	<i>Department of Justice Annual Report 2011/2012 can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>High Court Land Division Annual Report 2012/2013 can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>High Court Annual Report 2013/2014 can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>High Court Land Division Annual Report 2014/2015 in draft format but not finalised.</i>	<i>No Annual Report</i>	
<i>Palau</i>	<i>No Annual Report for the Palau judiciary.</i>	<i>No Annual Report for the Palau judiciary.</i>	<i>Annual Report can be accessed at: <a href="http://www.palausupremecourt.net/">http://www.palausupremecourt.net/</a> and <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.palausupremecourt.net/">http://www.palausupremecourt.net/</a> and <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.palausupremecourt.net/">http://www.palausupremecourt.net/</a> and <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.palausupremecourt.net/">http://www.palausupremecourt.net/</a></i>	<i>Annual Report can be accessed at: <a href="http://www.palausupremecourt.net/">http://www.palausupremecourt.net/</a></i>



<i>PNG (National and Supreme Courts)</i>	<i>Annual Report drafted but cannot be accessed by the public</i>	<i>Annual Report drafted but cannot be accessed by the public</i>	<i>Annual Report drafted but cannot be accessed by the public.</i>	<i>Annual Report drafted but cannot be accessed by the public.</i>	<i>Annual Report drafted but cannot be accessed by the public</i>		
<i>Republic of the Marshall Islands</i>	<i>Annual Report can be accessed at: <a href="http://rmicourts.org/">http://rmicourts.org/</a></i>	<i>Annual Report can be accessed at: <a href="http://rmicourts.org/">http://rmicourts.org/</a></i>	<i>Annual Report can be accessed at: <a href="http://rmicourts.org/">http://rmicourts.org/</a></i>	<i>Annual Report can be accessed at: <a href="http://rmicourts.org/">http://rmicourts.org/</a></i>	<i>Annual Report can be accessed at: <a href="http://rmicourts.org/">http://rmicourts.org/</a></i>	<i>Annual Report can be accessed at: <a href="http://rmicourts.org/">http://rmicourts.org/</a></i>	
<i>Samoa</i>	<i>Ministry of Justice and Court Administration Annual Report 2011/2012 on</i>	<i>Ministry of Justice and Court Administration Annual Report 2011/2012 on</i>	<i>Ministry of Justice and Court Administration Annual Report 2012/2013 on</i>	<i>Ministry of Justice and Court Administration Annual Report 2013/2014 published</i>	<i>Ministry of Justice and Court Administration Annual Report 2014/2015</i>	<i>Ministry of Justice and Court Administration Annual Report 2015/2016 published</i>	<i>Ministry of Justice and Court Administration Annual Report 2016/2017 published but not available</i>



	<i>Report 2010/2011 on Parliament website</i>	<i>Parliament website</i>	<i>Parliament website</i>	<i>but not available online.</i>	<i>published but not available online.</i>	<i>but not available online.</i>	<i>online.</i>
<i>Solomon Islands</i>	<i>No Annual Report.</i>	<i>Annual Report published but not available at: <a href="http://www.paclii.org">www.paclii.org</a></i>  <i>Opening of the Legal Year 2013 presentation by the Chief Justice of developments in 2012 available at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Opening of the Legal Year 2014 presentation by the Chief Justice of developments in 2013: not available at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Opening of the Legal Year 2015 presentation by the Chief Justice of developments in 2014: not available at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Opening of the Legal Year 2016 presentation by the Chief Justice of developments in 2015: not available at: <a href="http://www.paclii.org">www.paclii.org</a></i>		



<i>Tokelau</i>	<i>No Annual Report.</i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report 2015/2016 in draft.</i>	
<i>Tonga (Superior Courts)</i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a>.</i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>  <i><u>Magistrates Court data included for the first time</u></i>	<i>Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a></i>
<i>Tuvalu</i>	<i>No Annual Report.</i>	<i>No Annual Report.</i>					



Vanuatu	Annual Report can be accessed at: <a href="http://www.paclii.org">www.paclii.org</a>						
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A snapshot of the capacity of PJDP jurisdictions to present sex, age and disability disaggregated data was prepared for the April 2018 Chief Justices' Leadership Meeting based upon a review of the latest court Annual Reports and is set out below.

Table D: *Disaggregated Court Data in Annual Reports – Public Accountability (as of April 2018)*

	<i>Sex Disaggregated Data</i>	<i>Juvenile Disaggregated Data</i>	<i>Disability Disaggregated Data</i>
<i>Cook Islands</i>	<i>Some sex disaggregated data.</i>	<i>Data in Annual Report does not cover all children under the age of 18 years.</i>	<i>No disability disaggregated data.</i>
<i>Federated States of Micronesia</i>	<i>No sex disaggregated data in the Annual Report.</i>	<i>The State Courts Of Pohnpei, Chuuk and Yap presented case data disaggregated to show juvenile cases</i>	<i>No disability disaggregated data in the Annual Report.</i>
<i>Kiribati</i>	<i>The 2012-2014 Annual Report contains details of the number of High Court criminal cases involving violence against women and girls (pages 34 and 117) and Magistrates Court cases involving women (page 45 with details in the Annexures).</i>	<i>The 2012-2014 Annual Report contains details of the number of cases involving children from 2012-2013 (page 45).</i>	<i>No disability disaggregated data in the 2015 Annual Report.</i>
<i>Nauru</i>	<i>No sex disaggregated data presented to the</i>	<i>There is no case data disaggregated to show</i>	<i>No disability disaggregated data</i>

	<i>public as there is no Annual Report.</i>	<i>all cases involving children under the age of 18 presented to the public as there is no Annual Report.</i>	<i>presented to the public as there is no Annual Report.</i>
<i>Niue</i>	<i>There is no sex data disaggregated as the 2014/2015 Annual Report does not contain criminal or civil cases but only refers to land cases.</i>	<i>There is no data disaggregated to show all cases involving children under the age of 18 as the Annual refers to Land cases.</i>	<i>No disability disaggregated data in the 2014/2015 Annual Report for the Land Division of the High Court.</i>
<i>Palau</i>	<i>Sex disaggregated data is in the 2016 Annual Report.</i>	<i>The Palau judiciary presented case data disaggregated to show juvenile cases heard in the Supreme Court and Court of Common Pleas in the 2016 Annual Report.</i>	<i>No disability disaggregated data in the 2016 Annual Report.</i>
<i>PNG (National and Supreme Courts)</i>	<i>No sex disaggregated data in the Annual Report.</i>	<i>There is no case data disaggregated to show all cases involving children under the age of 18 years in the Annual Report.</i>	<i>No disability disaggregated data.</i>
<i>Republic of the Marshall Islands</i>	<i>Sex disaggregated data presented in the 2016 Annual Report for both</i>	<i>Juvenile disaggregated data in Annual Report refers to children under</i>	<i>No disability disaggregated data.</i>

	<i>criminal and civil cases.</i>	<i>18 years of age.</i>	
<i>Samoa</i>	<i>No sex disaggregated data in the Annual Report.</i>	<i>There is no data disaggregated to show all cases involving children under the age of 18.</i>	<i>No disability disaggregated data.</i>
<i>Solomon Islands</i>	<i>No sex disaggregated data presented to the public as there is no Annual Report.</i>	<i>There is no case data disaggregated to show all cases involving children under the age of 18 presented to the public as there is no Annual Report.</i>	<i>No disability disaggregated data presented to the public as there is no Annual Report.</i>
<i>Tokelau</i>	<i>Some sex disaggregated data presenting sex of offenders in criminal cases.</i>	<i>Juvenile disaggregated data in 2014/ 2015 Annual Report refers to children 16 years and under.</i>	<i>No disability disaggregated data in the 2014/ 2015 Annual Report.</i>
<i>Tonga</i>	<i>No sex disaggregated data in the 2016 Annual Report.</i>	<i>There is no case data disaggregated to show all cases involving children under the age of 18 years in the 2016 Annual Report.</i>	<i>No disability disaggregated data.</i>
<i>Tuvalu</i>	<i>No sex disaggregated data presented to the public as there is no Annual Report.</i>	<i>There is no case data disaggregated to show all cases involving children under the age</i>	<i>No disability disaggregated data presented to the public as there is no Annual</i>

		<i>of 18 presented to the public as there is no Annual Report.</i>	<i>Report.</i>
<i>Vanuatu</i>	<i>No sex disaggregated data in the 2017 Annual Report.</i>	<i>There is some case data disaggregated to show juvenile cases in the 2017 Annual Report.</i>	<i>No disability disaggregated data.</i>

## 2 PURPOSE OF AN ANNUAL REPORT

*Excellent courts use a set of key-performance indicators to measure the quality, efficiency, and effectiveness of their services. Courts should, at the very least, collect and use information on the duration of proceedings and other case-related data. Excellent courts aim at shifting their data focus from simple inputs and outputs to court customer satisfaction, quality of service, and quality of justice.*

**International Framework for Court Excellence (IFCE 2013), p29**

*4.5 The judiciary should regularly address court users' complaints, and publish an annual report of its activities, including any difficulties encountered and measures taken to improve the functioning of the justice system.*

***Measures for the Effective Implementation of the Bangalore Principles***

These two statements taken from the International Framework for Court Excellence (IFCE) and Measures for the Effective Implementation of the Bangalore Principles indicate recent trends that have seen Courts around the world collect data on qualitative and quantitative performance indicators and present a summary of the Court's performance in their Annual Report.

The primary purpose of an annual report will vary from country to country. However most of the courts participating in PJDP will publish their annual reports for one or more of the following reasons:

- i. accountability to the people through the Parliament;
- ii. information provided to the public, the Parliament, other stakeholders, educational and research institutions, and the media about the performance of Courts in relation to services provided;
- iii. as a key reference document and a document for internal management, Annual Reports form part of the historical record;
- iv. court Budget Statements set out the proposed allocation of resources to achieve agreed performance outcomes. Annual reports report on the achievement of those targets. Court Budget Statements and Annual Reports provide the Government and the Parliament with detailed information about the actual performance of courts and forecasts future needs and expectations; and
- v. reporting and analysis in an Annual Report as a document of record supports the judicial principles of transparency and accountability through the availability of information through the Internet.<sup>4</sup>

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<sup>4</sup> Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies, Department of Prime Minister and Cabinet, 25 June 2015, Approved by the Joint Committee of Public Accounts and Audit under subsections 63(2) and 70(2) of the Public Service Act 1999 [www.dpmc.gov.au/guidelines/index.cfm](http://www.dpmc.gov.au/guidelines/index.cfm) adapted from pp 3-4.

**Features of Good Annual Reports**

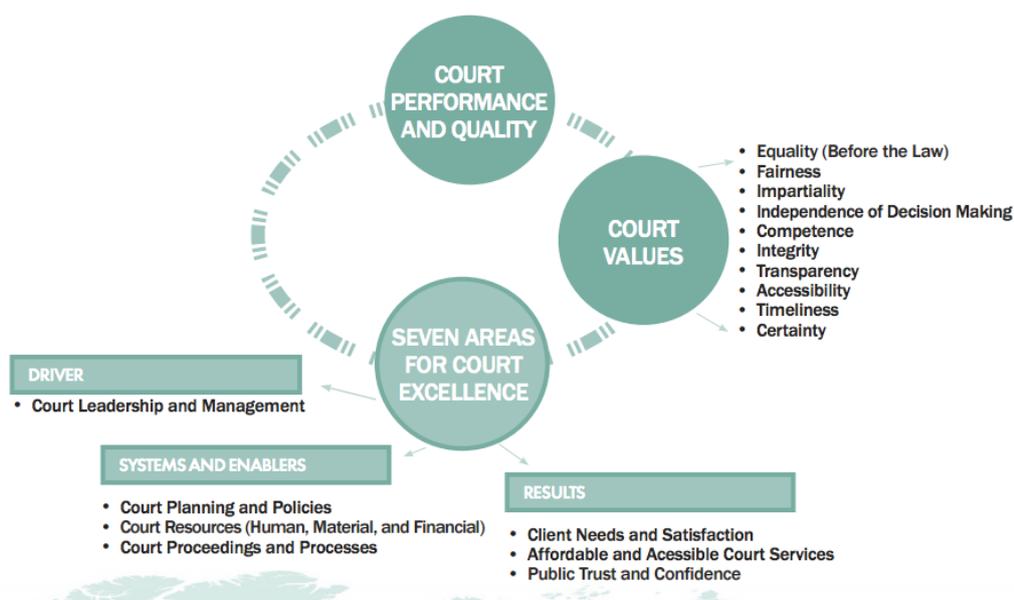
- Assesses performance against standards and targets set by the Court.
- Presents trends in performance over 3-5 years.
- Analyses a court's performance in the context of a range of factors.
- If the court has not achieved the performance standards, the annual report explains why and what steps the court is taking to remedy this.
- Presents qualitative information from surveys, other evaluations or court stakeholder dialogues conducted by the court and demonstrates how this information is being used to improve court performance.
- Uses plain language, relevant diagrams and a clear format to present court performance information in an accessible way to the public.

**2.1 INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE AND THE COOK ISLAND INDICATORS**

The 2008 International Framework for Court Excellence identified seven areas of court excellence and ten values set out in the Figure E below<sup>5</sup>.

Fig E: Seven Areas of Court Excellence (IFCE)

**Framework for Court Excellence**



<sup>5</sup> A 2013 version of the Framework incorporates developments in international court improvement strategies.

The IFCE ten core values are reflected in the PJDP/ PJSI Cook Island indicators as shown in Table F below.

**Table F:** Comparison of IFCE Ten Core Values and PJDP/ PJSI Cook Island indicators

	IFCE Ten Core Court Values	PJDP/ PJSI Cook Island indicators
I	Equality before the law	Cook Island indicators 5-7
II	Fairness	Cook Island indicators 8-10
III	Impartiality	Cook Island indicators 8-10
IV	Independence of decision-making	Cook Island indicators 8-10
V	Competence	Cook Island indicators 3-4 & 8-10
VI	Integrity	Cook Island indicators 8-10
VII	Transparency	Cook Island indicators 13-15
VIII	Accessibility	Cook Island indicators 5-7
IX	Timeliness	Cook Island indicators 2
X	Certainty	Cook Island indicators 3-4

The three results areas of the International Framework for Court Excellence are:

**CLIENT NEEDS AND SATISFACTION** Research has consistently shown that the perceptions of those using the courts are influenced more by how they are treated and whether the process appears fair, than whether they received a favourable or unfavourable result. Thus, **one of the important aspects of the quality approach and the 'search for excellence' is that it takes the needs and perceptions of court users into account.** Court users include members of the public and businesses making use of the services of the courts (e.g., litigants, witnesses, crime victims, those seeking information or assistance from court staff) and professional partners (lawyers, public prosecutors, enforcement agents, governmental agencies, court experts, and court interpreters). Accordingly, measures must address not only the level of satisfaction with the outcome of the court proceeding, but also the level of satisfaction with how the parties, witnesses, and lawyers were treated by the judges and the court staff. The (perceived) expertise of the judges and staff and the fairness and ability to understand court procedures and decisions should also be measured. This information should be used to improve the quality and processes provided by the courts.

**AFFORDABLE AND ACCESSIBLE COURT SERVICES** Excellent courts are affordable and easily accessible for litigants. Court fees do not prevent members of the public from accessing the judicial process; cumbersome procedures and requirements do not drive up litigation expenses; and forms and comprehensible basic information about court processes are readily available.

**Physical access is easy and comfortable.** Court users can easily reach the public visitors area of courtrooms; directions in the courts are clearly displayed; and a central information point guides court users through the court. Safety is guaranteed, but excessive safety measures do not prevent litigants from feeling comfortable.

Courts use information technology to enable self-represented court users to navigate the courts (through general information on the court, court proceedings, and court fees), electronic filing, and use of video conferencing.

**PUBLIC TRUST AND CONFIDENCE** In general, a high level of public trust and confidence in the judiciary is an indicator of the successful operation of courts. Lack of corruption, high quality judicial decisions, respect for the judges, timely court proceedings and transparent processes will increase public trust in the judiciary. A high level of public trust will enhance voluntary compliance with court orders, strengthen respect for the rule of law and increase support for the provision of resources to meet court needs. Excellent court organizations systematically measure the level of public trust and confidence in the judiciary and court staff. Without public trust a court is hampered in its ability to function as an effective court<sup>6</sup>.

## 2.2 ANNUAL REPORTS: THE PLANNING, MONITORING & REPORTING FRAMEWORK FOR LEADING COURTS

Courts can also use Annual Reports as one part of an accountability dialogue with the public on the court's plans for innovation and reform of its services. Annual Reports form part of a continuous cycle of strategic planning and policy formulation, piloting and implementation, monitoring and reporting as can be seen in Fig. G below.

Annual Reports are documents of public record. However, in order to produce Annual Reports in a timely fashion courts will benefit from having monthly and quarterly reporting processes in place that provide the Chief Justice and Court Leadership Team with internal reports on court performance by jurisdiction and by judge.

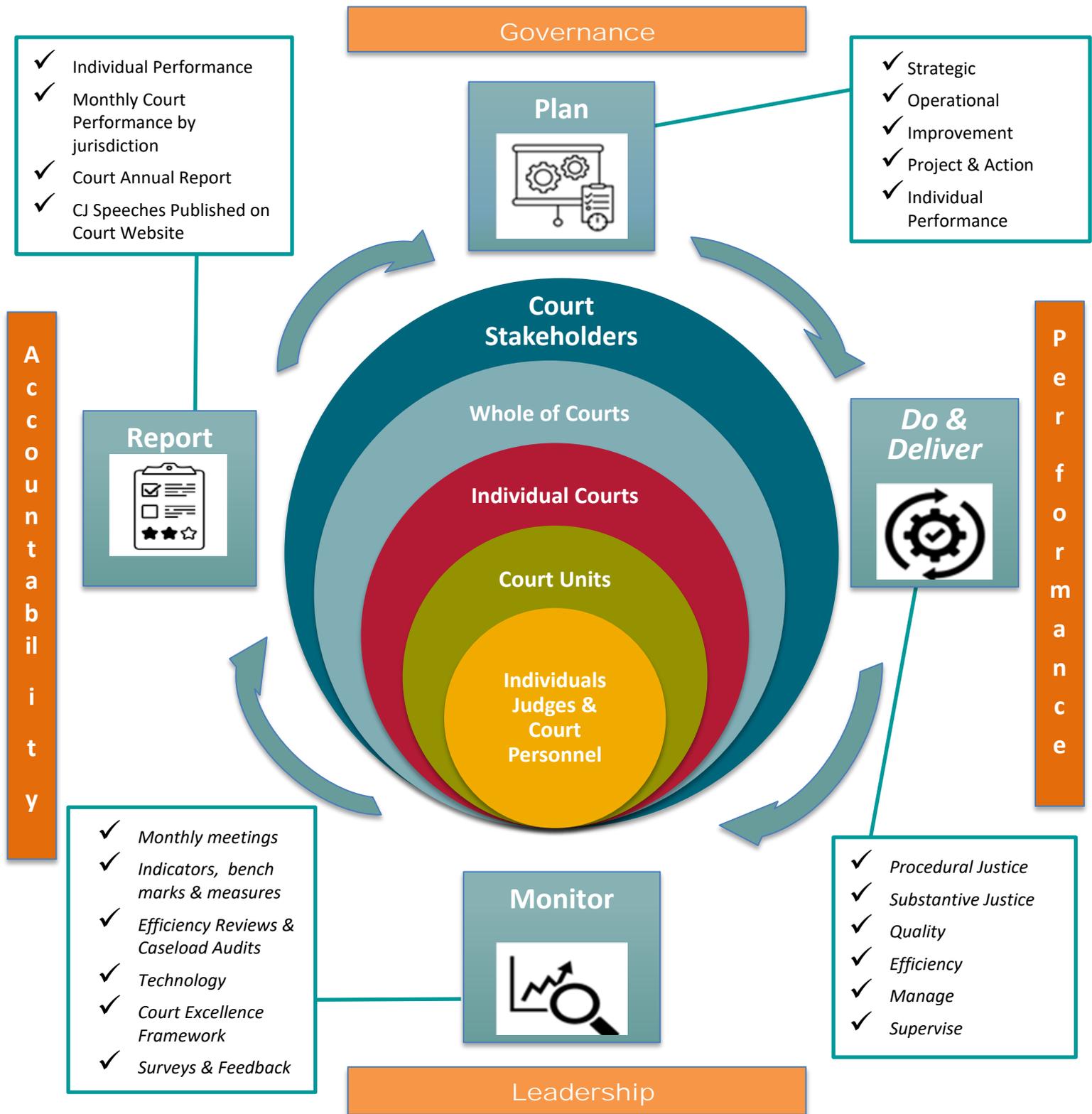
Fig G: Leading Courts: Planning, Monitoring and Reporting

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<sup>6</sup> IFCE (2013) pp15-16

# Leading Courts: Planning, Monitoring and Reporting

The Goal of the Pacific Judicial Strengthening Initiative is to build fairer societies by supporting the Court in 14 Pacific Island Countries to develop more accessible, just, efficient and responsive justice services.





### 3 METHODOLOGY FOR DRAFTING AN ANNUAL REPORT

A Court will consider the following issues when preparing to publish its Annual Report:

#### 3.1 WHO SHOULD BE INVOLVED IN DRAFTING AN ANNUAL REPORT AND WHY?

- i. Chief Justice and Deputy Chief Justice(s);
- ii. Justices involved in managing Court committees;
- iii. Chief Judges or Chief Magistrates that lead courts that will be included in the Annual Report;
- iv. Chief Registrar of each of the levels of courts that will be included in the Annual Report;
- v. other members of the senior management team; and
- vi. other court staff members responsible for managing an area of the Court's business such as Client Services.

#### 3.2 WHAT ARE REALISTIC TIMELINES FOR THE DRAFTING OF AN ANNUAL REPORT?

Many countries have statutory requirements that set a deadline within which time the Annual Report must be submitted to the responsible Minister for tabling in Parliament. An example of this is the requirement that Australian government departments and federal agencies (including Federal courts) present a copy of their annual report to each House of the Parliament on or before 31 October in the year in which the report is given.<sup>7</sup> As the financial and reporting year in Australia runs from 1 July to June 30, Federal Courts have four months in which to prepare and table their annual report for the previous financial year. In New Zealand, a Department has two months after the end of the financial year to forward its annual financial statements, statement of service performance and its annual report to the Auditor-General to review that report before providing the audit report that is required to be included in the annual report when it is presented to the House of Representatives.<sup>8</sup>

If there is not a statutory requirement, it will be in the court's interest to publish its annual report within twelve months of the end of the reporting period. All courts operate on an annual budget cycle. It is critical that courts maintain high standards of transparency and accountability in relation to the funds provided by the state for the operation of the courts. Annual reports are the vehicle through which courts report on (i) the financial resources received and (ii) performance results of the court.

#### 3.3 WHO IS THE AUDIENCE FOR THE ANNUAL REPORT?

It is important for the Chief Justice to consider the audience for the annual report. In the Regional Justice Performance Framework, Chief Justices participating in PJDP agreed that they would share their experience through the publication of their annual reports on the Internet, either on their own court websites or through the Pacific Islands Legal Information Institute ([www.Paclii.org](http://www.Paclii.org)). It is important to consider that a range of

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<sup>7</sup> Ibid p 2.

<sup>8</sup> s 44 and s 45D Public Finance Act 1989.

international, Pacific as well as national stakeholders will have an interest in reading court annual reports from the PJDP countries.

- Who are the different court stakeholders?
  - general public;
  - executive and parliament;
  - Pacific courts interested in sharing experience;
  - international and Pacific regional agencies e.g. UNICEF, UN Women, regional non-governmental organisations;
  - national and regional educational institutions;
  - non-governmental/ civil society organisations;
  - media; and
  - donors.
  
- What do they want to know? (Discussed in Section 3.4 below)
  
- How can information in the Annual Report best be presented for these groups?
  - use clear, concise, non-legal language;
  - use diagrams and charts to show court performance trends;
  - include a table of contents and an alphabetical index – covering the contents of any appendixes as well as the contents of the main body of the report;
  - provide a glossary to make clear the meanings of any abbreviations and acronyms used;
  - specify who the contact officer(s) to whom enquiries are to be addressed for further information and their details (e.g., title, telephone, facsimile, e-mail address); and
  - include the address of the Internet homepage for the Court, and the Internet address for the annual report (on PaCLII or the Court’s website).

### 3.4 WHAT SHOULD BE INCLUDED IN AN ANNUAL REPORT?

Each Court is best able to determine what should be included in its Annual Report based on its intended audience and national statutory requirements that outline the issues that should be addressed in an Annual Report. Most PJDP jurisdictions produce an Annual Report that covers the operation of all the courts in that country. However, the largest country in the Pacific, PNG, has historically had the National and Supreme Courts drafting one Annual Report and the Magisterial Services producing its own Annual Report.

At the PJDP National Coordinators Leadership Meeting held in the Cook Islands in June 2011, the key court performance areas were considered and a list developed that was then sent to Chief Justices for their review and comment. 14 indicators of court performance were outlined during these exchanges and a further 15th indicator added following the Leadership Workshops of Chief Justices and National Coordinators held in Vanuatu in October 2011. The 15 indicators selected were chosen by PJDP judicial counterparts as they

represented essential data that jurisdictions, whether large or small, should ideally have the capacity to collect, analyse and present in their annual reports. For several of these indicators, jurisdictions that were able to capture data disaggregated by the gender of court clients or their age (juvenile/non-juvenile clients) were requested to present this additional level of information. However, as presented in the PJDP 2011 Court Baseline Report most courts do not capture gender and age disaggregated data or do not present this information in their annual reports. Over time, the PJDP judicial counterparts may wish to extend this list of indicators in line with the ability of more courts to collect, analyse and report on court performance data in more complex ways.

As can be seen in Tables A and B above, 12 of 14 (86%) PJDP countries are able to report on 10 or more of the 15 Cook Island indicators. For those courts that are able to report on most of the Cook Island indicators Part 3 of this Toolkit shows how these courts may wish to focus on:

- i. including information from court users and stakeholders on their perception of bringing cases before the courts - this information is usually collected through surveys and other stakeholder feedback processes;
- ii. juvenile disaggregated data on cases;
- iii. sex disaggregated data on cases; and
- iv. pending Caseload (through the chart creator).

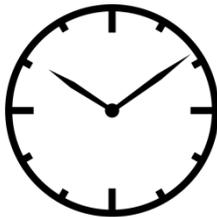
The Courts' own statements of their goal/mission/vision are set out in the opening pages of the PJDP 2014 Court Trend Report and reflect the qualities that are commonly considered to be integral to the judicial function. The 15 indicators present an overview of court performance against these core or essential characteristics of the judicial function. The PJDP 2014 Court Trend Report contains a detailed discussion of the 15 Cook Island indicators and how each PJDP country reports on these indicators.

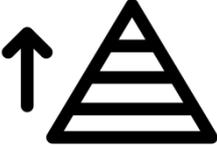
The following is a selection of issues that have been included in Annual Reports on court performance from the Asia-Pacific region. The checklist below includes the 15 Cook Island indicators endorsed by PJDP Chief Justices at their leadership meeting in Apia, Samoa in March 2012 through the Regional Justice Performance Framework.

**Table H:** Checklist of Components that may be included in an Annual Report

	Components of an Annual Report	Rationale for the component's possible inclusion
1.	<b>Year in Review/ Introductory Statement:</b> <ol style="list-style-type: none"> <li>i. Statement from the Chief Justice</li> <li>ii. Implementation of the Court's Strategic Plan or any new initiatives.</li> <li>iii. Summary of significant issues and developments.</li> </ol>	This section allows the Chief Justice to provide a first person account of what he or she feels most proud of achieving in the last year and some of the challenges facing the court in delivering the level of service it would like to clients.

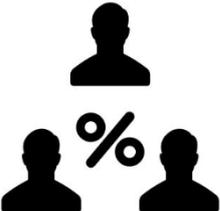
2	<p><b>Organisational review:</b></p> <ul style="list-style-type: none"> <li>i. Overview of the Courts and their jurisdiction/ role and functions</li> <li>ii. Court Mission, Vision and Values</li> <li>iii. Organisational structure</li> </ul>	<p>This section provides an overview of the different courts and what types of cases they handle. The Mission, Vision and Values of the court as well as what services the Court intends to provide. The organisational structure shows the governance arrangements and how the courts and staff interact.</p>
3.	<p><b>Court results</b></p> <ul style="list-style-type: none"> <li>i. Court achievements in the reporting period</li> <li>ii. Court workload</li> <li>iii. Court performance against Key Performance Indicators (15 Cook Island indicators):</li> </ul>	<p>The results section of the Annual Report outlines what has been achieved by the court in the reporting year and compares this with trend data from the previous 3-5 years.</p> <p>The Excel Chart Creator (attached as <b>Annex 6</b>) is a tool developed to assist courts in presenting trend data over a number of years in relation to the Cook Island indicators.</p> <p>Many courts present an overview of the court's work by presenting trends in relation to the work of different jurisdictions such as:</p> <ul style="list-style-type: none"> <li>• Civil;</li> <li>• Family;</li> <li>• Juvenile;</li> <li>• Family violence;</li> <li>• Criminal; and</li> <li>• Appeal divisions of the court.</li> </ul> <p>For those courts that collect and analyse sex, age and disability disaggregated data these data should also be included in the Annual Report or in Court public information materials such as press releases. A checklist of how these disaggregated data may be included together with examples from Pacific countries is included in Part 3.7 below.</p>

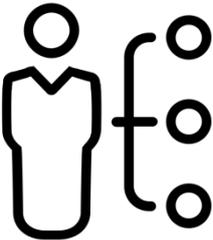
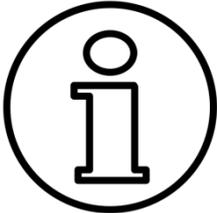
<p><b>Indicator 1: Clearance Rate</b></p> <p>The result against this indicator is obtained by dividing cases finalised by cases filed.</p> 	<p>In the 2014 Trend Report, 12 of 14 PJDP countries (86%) were able to present data in a form that will permit a clearance rate to be calculated for one or more level of court jurisdiction.</p> <p>The judiciaries of Kiribati, Palau, RMI and Tonga all present 3-5 years of trend data for clearance rates in their Annual Reports.</p> <p>A clearance rate of 100 per cent or higher indicates that a Court is able to keep up with its new work and prevent a backlog of pending cases.</p> <p><b>For More Ideas on Clearance Rate Goals See: PJDP Toolkits on Time Standards, Backlog Reduction and Efficiency</b></p>
<p><b>Indicator 2: Average Duration of a Case</b></p> <p>The result against this indicator is obtained by totalling the days for each case from the date the case is filed to the date it is finalised and then dividing this by the number of cases finalised.</p> 	<p>In the 2014 Trend Report, 10 of 14 PJDP countries (71%) were able to collect data on the average duration of a case in their court.</p> <p>The judiciaries of the Republic of the Marshall Islands (2016 Annual Report), Federated States of Micronesia (2014 Annual Report) and Tonga (2017 Annual Report) all refer to a time standard for the hearing of different types of cases in their Annual Reports.</p> <p>Many of the PJDP courts mention in their court mission and vision statements that they aspire to the efficient resolution of disputes in their country. It is not possible for courts to determine whether cases are being resolved efficiently if they are unable to collect and analyse data on the average duration of the cases that come before the courts.</p> <p><b>For More Ideas on Time Goals See: PJSI Efficiency and Time Goals Toolkits</b></p>
<p><b>Indicator 3: Percentage of Appeals</b></p> <p>The result against this indicator is obtained by dividing the number of cases appealed to a higher court in which the lower court decision is overturned in whole or in part by the number of</p>	<p>In the 2014 Trend Report, 12 of the 14 PJDP countries (86%) were able to collect data on the number of cases appealed as a percentage of the number of cases filed in a particular year for one or more level of court jurisdiction.</p>

	<p>cases finalised in the level of court jurisdiction from which the appeal is made.</p> 	<p>It is considered important for courts to monitor overall appeal trends to identify: (i) what resources will be required to handle the appeal cases in an efficient manner, (ii) what percentage of cases are being referred to appeal courts, (iii) the duration of an appeal case from the time an appeal is filed to the date of the appeal judgment and/or (iv) whether judgements from particular judges are being referred to appeal courts at a higher rate than the national level.</p>
	<p><b>Indicator 4: Overturn Rate on Appeal</b></p> <p>The result against this indicator is obtained by dividing the number of appeal cases in which the lower court decision is overturned by the total number of appeals.</p> 	<p>In the 2014 Trend Report, 11 of 14 PJDP countries (79%) were able to collect data on the percentage of appeal cases in which the lower court decision is overturned by the appellate court.</p> <p>It is important to track the overturn rate on appeal to establish if certain types of cases are overturned on appeal at a higher rate than the national average.</p>
	<p><b>Indicator 5: Percentage of Cases that are Granted a Court Fee Waiver</b></p> <p>The result against this indicator is obtained by dividing the number of cases that are granted a court fee waiver by the total number of cases filed.</p> 	<p>In the 2014 Trend Report, 12 of the 14 PJDP countries (86%) could present data on the percentage of cases that were granted a court fee waiver.</p> <p>For those courts that collect data on the waiver of court fees in civil cases it is valuable to present sex disaggregated data on the number of men and women who (i) apply for and (ii) are granted a court fee waiver for their civil case.</p> <p>With approximately one quarter of the population in the PJDP PICs having an income that falls below the basic needs poverty line in that country, courts should provide clear documentation for all court users on the process for waiving a court fee in civil cases.</p>
	<p><b>Indicator 6: Percentage of Cases Disposed Through a Circuit or Island Court</b></p> <p>The result against this indicator is obtained by dividing the number of cases finalised through a circuit or island court by the total number of</p>	<p>In the 2014 Trend Report, 10 of 14 PJDP courts (71%) were able to provide data on the percentage of cases heard through a circuit court.</p> <p>For those courts that collect data on cases disposed through a circuit or island court it is valuable to present</p>

	<p>cases filed.</p> 	<p>sex disaggregated data on the number of men and women who have a (i) civil or family law matter or (ii) family violence or domestic violence restraining order matter resolved through a circuit court.</p> <p>With approximately one quarter of the population in the PJDP PICs having an income that falls below the basic needs poverty line in that country, courts should provide clear information for all court users on the process for registering and hearing cases through circuit courts.</p> <p>In countries where a significant proportion of the population live in remote areas, it is important for courts to collect data on the demand for circuit courts so that it may present a financial argument for appropriate resources to deliver court services to its population through circuit courts to remote areas.</p>
	<p><b>Indicator 7: Percentage of Cases Where a Party Receives Legal Aid</b></p> <p>The result against this indicator is obtained by dividing the number of cases where a party receives legal aid by the total number of cases received.</p> 	<p>In the 2014 Trend Report, eight of 14 PJDP countries (57%) were able to collect data on the percentage of cases in which a party receives legal aid.</p> <p>For those courts that collect data on cases where a party receives legal aid it is valuable to present sex disaggregated data on the number of men and women who benefit from legal aid services for (i) civil or family cases that they initiate (ii) domestic violence restraining order applications or (iii) criminal cases in which they are the defendant.</p> <p>With approximately one quarter of the population in the PJDP PICs having an income that falls below the basic needs poverty line in that country, PJDP courts should collect information at the time the case is filed on whether a party will receive legal aid. This is particularly important in criminal matters as many PJDP jurisdictions require a defendant to be represented by a lawyer in serious criminal matters or where the defendant is a juvenile.</p>
		<p>In the 2014 Trend Report, six PJDP countries (43%) have a documented process for receiving and</p>

	<p><b>Indicator 8: Documented Process for Receiving and Processing a Complaint That is Publicly Available</b></p> <p>To show results against this indicator a documented process for receiving and processing a complaint should be accessible to the public.</p> 	<p>processing a complaint. Three other PJDP countries have a documented process for receiving and processing a complaint in relation to court staff members that are public servants.</p> <p>Including a section in the annual report on the number of complaints received related to judicial officers and court staff members demonstrates that the court is prepared to be transparent in relation to its complaint handling procedures. A proportion of these complaints will relate to dissatisfaction with the outcome of the case or a misunderstanding in relation to court or legal procedures. However, a proportion of complaints will highlight shortcomings in court administrative procedures and suggest areas for improvement in the delivery of court services. The annual report could also report those areas where the court has made improvements or changes over the past year in relation to information received through client feedback and complaints processes.</p> <p>For More Ideas on Complaint Handling Mechanisms See: PJDP Toolkit on Toolkit for Building Procedures to Handle Complaints about Judicial Conduct</p>
	<p><b>Indicator 9: Percentage of Complaints Received Concerning a Judicial Officer</b></p> <p>The result against this indicator is obtained by dividing the number of complaints received concerning a judicial officer by the total number of cases filed.</p> 	<p>In the 2014 Trend Report, 11 of 14 PJDP countries (79%) presented information on the percentage of complaints received concerning a judicial officer.</p>

<p><b>Indicator 10: Percentage of Complaints Received Concerning a Court Staff Member</b></p> <p>The result against this indicator is obtained by dividing the number of complaints received concerning a court staff member by the total number of cases filed.</p> 	<p>In the 2014 Trend Report, 11 of 14 PJDP countries (79%) presented information on the percentage of complaints received concerning a court staff member.</p>
<p><b>Indicator 11: Average Number of Cases Per Judicial Officer</b></p> <p>The result against this indicator is obtained by dividing the total number of cases received by the number of judicial officers.</p> 	<p>12 of the 14 PJDP countries (86%) have one or more courts that are able to present data on the average number of cases for each judicial officer presiding in that court.</p> <p>These data are relevant to other performance indicators such as clearance rates (indicator 1), average duration of cases (indicator 2) and percentage of complaints against judicial officers (indicator 9).</p>
<p><b>Indicator 12: Average Number of Cases Per Court Staff</b></p> <p>The result against this indicator is obtained by dividing the total number of cases received by the number of court staff.</p> 	<p>In the 2014 Trend Report, 12 of the 14 PJDP countries (86%) have one or more court that is able to present data on the average number of cases for each court staff/ registry staff member involved in the processing of cases from the date of filing to finalisation.</p>

	<p><b>Indicator 13: Court produces or contributes to an Annual Report that is publicly available in the following year</b></p> <p>This indicator is demonstrated through the publication of an annual report in the year immediately following the year that is the subject of the annual report.</p> 	<p>In the 2014 Trend Report, 12 of the 14 PJDP countries produce or contribute to an Annual Report. Ten of the 14 PJDP countries (71%) produced or contributed to an Annual Report that is publicly available in the year immediately following the reporting period.</p>
	<p><b>Indicator 14: Court Services Information</b></p> 	<p>In the 2014 Trend Report, nine of the 14 PJDP countries (64%) present information on court services on their websites or through the provision of brochures</p> <p>With approximately one quarter of the population in the PJDP PICs having an income that falls below the basic needs poverty line in that country, and with the majority of court clients appearing in court without legal representation, it is important for Courts to consider how best to convey information on court services to potential court users. The internet is an effective way of presenting information to a range of court stakeholders who may assist disadvantaged groups to access the courts. However, direct engagement with potential court users through posters in health clinics and government offices, radio bulletins or other means is also important as a way of informing potential clients of how they may access the courts for their legal issues.</p>
	<p><b>Indicator 15: Publication of Judgments</b></p> <p><b>Court publishes judgments on the Internet (through PacLII or their own website).</b></p>	<p>In the 2014 Trend Report, 13 of the 14 PJDP countries (93%) publish judgments on the internet using the Pacific Legal Information Institute (PacLII) website with 11 of the 14 countries (79%) publishing judgments online for the previous year.</p>

		<p>Courts should consider showing in their Annual Report for Supreme and District/ Magistrate Court jurisdictions:</p> <ul style="list-style-type: none"> <li>▪ The number and percentage of <b>criminal</b> cases finalised in the last reporting year that were published on PaCLII or a court website</li> <li>▪ The number and percentage of <b>family</b> cases finalised in the last reporting year that were published on PaCLII or a court website</li> <li>▪ The number and percentage of <b>civil</b> cases finalised in the last reporting year that were published on PaCLII or a court website</li> </ul> <p>For an example of transparency of cases on PaCLII or a Court Website by case type and jurisdiction see the Fiji Courts 2011-2017 Example in Annex 18.</p>
	<p>At the Chief Justices' Leadership Meeting held in Auckland in April 2018, Chief Justice's agreed that courts should take steps toward being able to collect and present data on the following five matters:</p>	
	<p><b>Indicator 16: Average Age of the Pending Case Load</b></p>	<p>This indicator is demonstrated through Courts:</p> <ol style="list-style-type: none"> <li>i. Setting a time goal for the hearing of cases.</li> <li>ii. Tracking those cases that are not finalised within the time goal.</li> <li>iii. Noting in the Annual Report the average age of the pending caseload by jurisdiction (civil, criminal, family, juvenile etc) for the cases that are pending at the end of the reporting period.</li> </ol>
	<p><b>Indicator 17: Percentage of complaints that have been handled within an agreed timeframe</b></p>	<p>This indicator is demonstrated through Courts keeping a record of the date a complaint is received and the date it is finalised. Courts will need to agree upon and publicise a timeframe within which complaints will be handled.</p>
	<p><b>Indicator 18: Total number of compliments</b></p>	<p>This indicator is demonstrated through Courts keeping</p>

	and positive feedback received by the court.	a record of the number of compliments or positive feedback received in the reporting period.
	<b>Indicator 19: The range of training and development opportunities</b> provided to judicial officers and court staff and numbers attending these programmes during the reporting year.	This indicator is demonstrated through Courts keeping a record of the different training and professional development opportunities provided each year to judicial officers and court staff and the positions and sex of those who attend these programmes.
	<b>Indicator 20: The percentage use rate of courtrooms:</b>  This indicator is demonstrated through obtaining a total number of hours a courtroom is used and dividing this by the total available hours for that courtroom.	An example would be if the court is in session from 10am – 1pm then from 2pm-5pm, this amounts to 6 hours a day during which a court may be in session or 30 hours a week. The Chief Registrar will be able to calculate the number of weeks that courts are in session each year taking into account court recess and holidays. This may be 46 weeks a year x 30 hours = 1380 hours a year.  This indicator is demonstrated through Court staff keeping a record of the times a judge hears a case in court and calculating it as a percentage of the total time.
	iv. <b>Trend data for the past 3-5 years, where possible.</b>	Courts that display high levels of judicial transparency and a commitment to improving the delivery of their court services present annual and trend court performance data in their annual reports as well as a statement on whether the court has met their performance standards or targets for the year.  The judiciaries in Kiribati, Palau, the Republic of the Marshall Islands and Tonga all present trend data for the previous 3-5 years in their Annual Reports.
	v. <b>The number of cases being heard at different levels in the national courts, disaggregated by (i) the type of case and (ii) whether a victim or perpetrator is a child.</b>  	Data on cases disaggregated to indicate whether the case involves children as perpetrators or victims of crimes are important in order to deliver better justice services to children.  See the Checklist in Part 3.7 below for more information on the data fields required in a case management system in order to collect, analyse and present age disaggregated data in Annual Reports.

	<p>vi. <b>The number of cases being heard at different levels in the national courts, disaggregated</b> by (i) the type of case (civil, family, family violence, domestic violence restraining order applications, sexual violence, violence against the person) and (ii) sex of the defendant as well as victim/ survivors).</p> 	<p>There is a global movement to End Violence against Women and Girls that has been endorsed by Governments across the Pacific. Court Annual Reports should include data on the number of domestic violence cases and protection order applications commenced by women each year as data on these cases is critical to national efforts to End Violence against Women and Girls.</p> <p>See the Checklist in Part 3.7 below for more information on the data fields required in a case management system in order to collect, analyse and present sex disaggregated data in Annual Reports.</p>
	<p>vii. <b>Factors, events or trends influencing court results.</b></p>	<p>In some years, it is not possible for a court to meet its performance targets due to a particular event or set of circumstances. These may relate to a natural disaster or a shortfall in the number of judges or court staff working in a particular year or other factors. It is important for Annual Reports to explain these events or circumstances.</p>
<p>3.</p>	<p>Interaction with Key Court Stakeholders/ How has the court engaged with key stakeholders over the year to obtain feedback on the level of service provided to clients?</p> 	<p>This section presents the ways in which the Courts interact with key court stakeholders to identify any barriers to accessing the court’s services or to address areas where court services might be improved.</p> <p>Refer to any social justice/ social inclusion initiatives of the court.</p> <p>This section can include a narrative of the specific services provided by courts for women and girls who are survivors of violence, as well as those services that are undertaken in collaboration with Government agencies and/or Civil Society Organisations.</p> <p>This narrative can also highlight multi-sectoral working meetings that the court leadership has arranged on family law and violence against women and children issues with key government agencies and CSOs to seek feedback on how the current procedures are working and barriers faced by women, children and other vulnerable groups in accessing the courts for</p>

		<p>their cases.</p> <p>For an example see the 2016 Palau Judiciary Annual Report and their inclusion in the Court Highlights Section of the Courts engagement on: <b>16 Days of Activism in Palau to End All Forms of Violence 25 Nov - 10 Dec 2016</b></p>
4.	<p>Management accountability</p> <ul style="list-style-type: none"> <li>i. Annual Financial Accounts for the Reporting Period</li> <li>ii. Senior management committees and their roles</li> <li>iii. Strategic and Management Plans</li> <li>iv. Training and development opportunities for court staff</li> <li>v. Management of court infrastructure</li> </ul>	<p>This section outlines the main corporate governance practices in place in the court related to the court's accountability for the management of financial, human and infrastructure resources.</p>
5	<p>Appendices</p> <ul style="list-style-type: none"> <li>i. Organisational Chart</li> <li>ii. List of all court personnel</li> <li>iii. Map of fixed court buildings as well as circuit court locations.</li> <li>iv. List of contact details for court registries.</li> </ul>	<p>This section allows a court to provide a range of information to court stakeholders.</p>

### 3.5 SEX, AGE AND DISABILITY DISAGGREGATED REPORTING IN ANNUAL REPORTS

From 2011 to 2015, PJDP courts made significant improvements in the collection, analysis and publication of court performance data in their Annual Reports. Seven PJDP Courts produced their first judicial Annual Report during this period and the number of courts that could report on 10 or more of the 15 Cook Island indicators increased to 12 of the PJDP jurisdictions. However, as can be seen in Table D, at the end of PJDP only 4 of the 14 PJDP jurisdictions presented sex disaggregated data in their Annual Reports that included gender and family violence cases and only 6 PJDP jurisdictions presented disaggregated data in their Annual Reports showing juvenile cases.

Table I: Court Annual Reporting 2011-2015

<b>Court Annual Reporting 2011 – 2015</b>		
In 2011, the PJDP Chief Justices approved 15 court performance indicators: the Cook Island Indicators. Four years later, significant improvements have taken place in the 14 PJDP jurisdictions in court performance reporting and the transparency of this information.		
<b>2011 Baseline Report</b>		<b>2014 Court Trend Report</b>
<b>1</b>	Number of PJDP courts that can produce an Annual Report in the year immediately following the reporting period that is published on the internet	<b>10</b>
<b>2</b>	Number of PJDP Courts that can report on 10 or more of the 15 Cook Island Indicators	<b>12</b>
<b>0</b>	Number of PJDP Courts that have included gender disaggregated data on family law and family violence cases in their Annual Report	<b>4</b>
<b>2</b>	Number of PJDP Courts that have included juvenile disaggregated data in their Annual Report	<b>6</b>
<b>–</b>	Number of PJDP Courts that have issued their first judiciary Annual Report since 2011	<b>7</b>

Most of the PJDP Courts Mission and Vision Statements include the principle of courts being accessible for all. The integrity of these Court Mission and Vision Statements depends upon the Court's ability to demonstrate that they have identified vulnerable groups and:

- Recognise the barriers they face in accessing courts through research, feedback mechanisms, dialogues with court stakeholders and/or court user surveys;
- Have addressed the barriers in consultation with court stakeholders/ CSOs/ DPOs and included this in Court policies and Strategic Plans; and
- Collect disaggregated data to evaluate if the strategies put in place improve access to the courts for vulnerable groups.

Since the commencement of PJDP in 2011 there have been a number of policy developments and reports in the Pacific that Courts may wish to consider when compiling their Annual Reports, including:

- The Pacific Leaders Gender Equality Declaration (2012 and reaffirmed in 2015);
- UNICEF Pacific Baseline Studies (2009-2014);
- Convention on the Rights of Persons with Disabilities; and
- An Analysis of Judicial Sentencing Practices in Sexual and Gender-Based Violence (SGBV) Cases in the Pacific Island Region<sup>9</sup> (2015).

Table J: Recent Pacific Policy Documents and Reports

The Pacific Leaders Gender Equality Declaration (2012 and reaffirmed in 2015)	Actions Courts May Consider
<p><b>Gender Responsive Government Programmes and Policies:</b> Support the production and use of sex disaggregated data and gender analysis to inform government policies and programmes;</p>	<ul style="list-style-type: none"> <li>• Courts can strengthen their capacity to provide sex- disaggregated data in Annual Reports, particularly in relation to family law and gender and family violence cases, presenting trends over 3-5 years</li> </ul>
<p><b>Ending Violence against Women</b></p> <ul style="list-style-type: none"> <li>• Implement progressively a package of essential services (protection, health, counselling, legal) for women and girls who are survivors of violence.</li> <li>• Enact and implement legislation regarding sexual and gender based violence to protect women from violence and impose appropriate penalties for perpetrators of violence</li> </ul>	<p>Court can report on:</p> <ul style="list-style-type: none"> <li>• services provided by courts for women and girls who are survivors of violence as well as those services that are undertaken in collaboration with Government agencies and/or Civil Society Organisations</li> <li>• penalties imposed on perpetrators of violence and analyse the outcomes of gender and family violence cases brought to court.</li> </ul>
<p><b>UNICEF Pacific Baseline Studies (2009-2014)</b></p> <p>The United Nations Children’s Fund (UNICEF) has published child protection baseline reports for Kiribati, Solomon Islands and Vanuatu in 2009, Palau, the Republic of the Marshall Islands and Samoa in 2013 and the Federated States of Micronesia in 2014.</p> <p>The baseline reports that have been completed by UNICEF follow a similar format for each of the</p>	<p><b>Actions Courts May Consider</b></p> <p>Court can report disaggregated data relating to children’s cases (Including the outcome of the case and any sentence that may be imposed) presenting trends over 3-5 years.</p> <p>When referring to children’s cases Court’s should clarify that the definition of a child under the Convention on the Rights of the Child is a person under 18 years of age.</p>

<sup>9</sup> ICAAD and DLA Piper (2015) An Analysis of Judicial Sentencing Practices in Sexual and Gender-Based Violence (SGBV) Cases in the Pacific Island Region

<p>seven PJDP/ PJSI countries. The reports include performance indicators for the courts in relation to juvenile justice matters. One of these indicators relates to the systematic recording and reporting of disaggregated data relating to children's cases (Including the outcome of the case and any sentence that may be imposed).</p>	
<p><b>Convention on the Rights of Persons with Disabilities</b></p>	<p><b>Actions Courts May Consider</b></p>
<p>Ten of the 14 PJDP countries (Cook Islands, Federated States of Micronesia, Kiribati, Nauru, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Tuvalu and Vanuatu) have ratified or acceded to the Convention on the Rights of Persons with Disabilities (CRPD) 2007, as at March 2017. The CRPD requires that parties support each other to implement the CRPD, including through ensuring that all persons are equal before the law and are entitled, without discrimination, to the equal protection of the law. This requires that people living with a disability are able to access justice systems for their cases as well as not face discrimination if they apply to work in the administration of justice<sup>10</sup>.</p>	<p>Court can consider:</p> <ul style="list-style-type: none"> <li>• Collecting disability disaggregated data through their case management system and report on this data in their Annual Reports.</li> <li>• Reporting on meetings held through the year with CSOs working with people living with a disability to identify how to make the services of the court more disability-inclusive.</li> <li>• Annex 17 of this Toolkit includes ideas that courts may consider for making their court more accessible for people living with a disability.</li> </ul>
<p><b>An Analysis of Judicial Sentencing Practices in Sexual and Gender-Based Violence (SGBV) Cases in the Pacific Island Region (2015)</b></p>	<p><b>Actions Courts May Consider</b></p>
<p>The Analysis and proposed sentencing database will allow Chief Justices to monitor how judges in their courts are handling SGBV cases and, in particular, whether:</p> <ul style="list-style-type: none"> <li>• contentious factors were raised during the hearing by a judicial officer or defence counsel</li> <li>• the contentious factors lead to a sentence reduction</li> <li>• average sentence for a SGBV case</li> </ul>	<p>Courts can ensure that:</p> <p><i>Sexual and Gender Based Violence cases are sent to PacLII, including Magistrates Court/ District Court cases as well as those SGBV cases decided at Supreme or High Court levels.</i></p>

<sup>10</sup> Commonwealth of Australia, DFAT, Development for All 2015–2020: Strategy for strengthening disability-inclusive development in Australia's aid program, May 2015, p5. CPRD Articles 2, 3, 5, 12 and 13.

### 3.6 CHART CREATORS FOR THE PRESENTATION OF TREND COURT DATA

Version 1 of the chart creator allowed PJDP jurisdictions to collect and present trend data on 11 of the 15 Cook Island indicators (Annexes 5 and 6 of this Toolkit)

During PJSI, two new chart creators have been developed to assist with collecting and analysing sex and age disaggregated data (Annexes 13 and 14 of this Toolkit).

The new version of the chart creator supports the collection and analysis for internal purposes of a range of sex disaggregated data on family law and Family Protection Act cases. The new chart creator was trialled in Palau with the Court of Common Pleas (CoCP) and the 2016 sex disaggregated data analysis is presented below.

The Palau Judiciary issued a Press Release that presented the new analysis of data undertaken with the Chart Creator that can be accessed on the Palau Judiciary website: [Press Release #115: Palau Judiciary Reviews Family Protection Act cases 2014-2016](#)

[http://www.palausupremecourt.net/news\\_main.cshtml](http://www.palausupremecourt.net/news_main.cshtml)

#### Chart Creator for Family law and Family Protection Act cases

Sheet Number in Chart Creator	Presents Data on:	2016 sex disaggregated data analysis by the Court of Common Pleas in Palau
Sheet 1a: Divorce cases filed by year	Disaggregated by the court (CoCP or Supreme Court) and the sex of the applicant	18 cases filed in 2016 of which women file 78%.
Sheet 1b - Divorce Cases (combining Child Support and Child Custody)	Disaggregated by the court (CoCP or Supreme Court) and the sex of the applicant	15 cases filed in 2016 of which women file 80%.
Sheet 2 - Child Support Cases Filed in the CoCP	Disaggregated by the sex of the applicant	3 cases filed in 2016 of which women file 100%.
Sheet 3 – Total number of Family Cases filed	Disaggregated by the court (CoCP or Supreme Court) and the sex of the applicant	43 cases filed in 2016 of which women file 84%.
Sheet 4 - Civil Domestic Abuse Restraining Order FPA (Filed by Victim) in the Supreme	Disaggregated by the sex of the applicant. Data also presents (i) the number and percentage of temporary restraining orders	60 Restraining Orders were filed in 2016 of which women file 77%. 94% of these temporary

Court and CoCP	granted or not granted and (ii) the number and percentage of Protective Orders granted or not granted.	restraining orders are granted
Sheet 5 - Child Custody Cases Filed	Disaggregated by the sex of the applicant	6 cases filed in 2016 of which women file 100%.
Sheet 6 - Family Protection Act Criminal Charges (Filed by the Republic of Palau)	Disaggregated by the court (CoCP or Supreme Court)	28 cases filed in 2016 of which 96% are filed in the CoCP.

A new chart creator has been developed and trialled with the Palau Court of Common Pleas that supports the collection and analysis for internal purposes of a range of age disaggregated data that the Court of Common Pleas and Supreme Court of Palau currently collects in excel format year by year. The Palau Judiciary issued a Press Release that presented the new analysis of data undertaken with the Chart Creator that can be accessed on the Palau Judiciary website: [Press Release 116 entitled: Palau Judiciary and Juvenile Cases 2010-2016 that presented data collected, analysed and published on juvenile cases.](#)

[http://www.palausupremecourt.net/news\\_main.cshtml](http://www.palausupremecourt.net/news_main.cshtml)

Chart Creator for Juvenile cases		
Sheet Number in Chart Creator	Presents Data on:	
		2016 sex disaggregated data analysis by the Court of Common Pleas in Palau
Number of juvenile citation cases filed in the Court of Common Pleas	Disaggregated by the sex of the juvenile offender,	34 juvenile citation cases filed in 2016 involving 31 boys and 3 girls.
Number of juvenile citation cases in which the deferred adjudication procedure was used.	Disaggregated by the sex of the juvenile offender,	In 30 of these juvenile cases the deferred adjudication procedure was used involving 27 boys and 3 girls.
Number of juvenile citation cases	Disaggregated by the sex of	In 2016, the three

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adjudicated and the outcome: (i) Adjudicated and penalty includes incarceration, (ii) Adjudicated and penalty does not include incarceration and (iii) Case Dismissed, Warrant Outstanding, Pending.	the juvenile offender,	cases adjudicated all involved boys and lead to two cases of incarceration and one of probation.
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### 3.7 CHECKLIST FOR THE COLLECTION, ANALYSIS AND PRESENTATION OF SEX, AGE AND DISABILITY INCLUSIVE DATA IN AN ANNUAL REPORT

A checklist has been developed from working with PJSI courts to assist with the collection, analysis and presentation of sex, age and disability inclusive data for an Annual Report.

The data fields identified below and in Annex 15 of the Toolkit will need to be adjusted to take into account how cases are classified in each jurisdiction.



Checklist for the collection, analysis and presentation of sex, age and disability inclusive data in an Annual Report

The data fields identified below will need to be adjusted to take into account how cases are classified in each jurisdiction.

It is helpful to be able to present at least five years of court data for each data field to enable the reader to understand court trends.

Data Fields	Is this captured in the case management system?	Is this data presented in Annual Reports now?	Notes
<b>Disaggregated data - Civil cases</b>			
1 Numbers of women and men that are applicant parties in family law and selected civil cases (e.g. divorce cases, property, child custody, child maintenance, adoption, inheritance).	<input type="checkbox"/>	<input type="checkbox"/>	
2 Number of children under the age of 18 years in			This is relevant to ensure that adequate



	divorce cases that are brought to the court.	<input type="checkbox"/>	<input type="checkbox"/>	provision is made for child custody and maintenance.
3	Number of women and men that request other orders (e.g. property, child custody, child maintenance) as part of their divorce petition to the court in a family law case	<input type="checkbox"/>	<input type="checkbox"/>	This is relevant in those jurisdictions where the applicant may make a number of applications relating to divorce, property, child custody, child maintenance within a single divorce case. It is important to be able to see the full range of orders sought from the court through the case management system.
4	Number of women and men who obtain the orders they sought in their family law application.	<input type="checkbox"/>	<input type="checkbox"/>	Possible drop down menu options in the case management system: Yes all orders granted/ No application for orders rejected/ Yes some orders granted – specify those granted
5	Numbers of divorce cases initiated by women where the woman states that they have experienced domestic violence (refer to different forms of violence).	<input type="checkbox"/>	<input type="checkbox"/>	Possible drop down menu options in the case management system and family law application forms: Yes experienced physical violence/ Yes experienced sexual violence/ Yes experiences psychological violence/ Yes experiences financial violence [note: insert forms of violence



				referred to under national legislation].
6	Number of Family Protection Order/ Restraining Order applications where the applicant/ survivor/victim is a woman, child or man	<input type="checkbox"/>	<input type="checkbox"/>	Distinguish between interim and final protection orders.
7	Number of Family Protection Order/ Restraining Order applications granted/ not granted disaggregated by the sex of the applicant party.	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Disaggregated data - Criminal cases</b>				
8	Numbers of criminal domestic violence cases disaggregated by the sex of the accused	<input type="checkbox"/>	<input type="checkbox"/>	
9	Numbers of women/ men/ girls (0-17 years of age)/ boys (0-17 years of age) who are victim/ survivors in violence cases	<input type="checkbox"/>	<input type="checkbox"/>	
10	Numbers of women/ men/ girls/ boys who are the accused in violence cases	<input type="checkbox"/>	<input type="checkbox"/>	
11	The average final sentence in violence cases in which the survivor/ victim is a woman or child disaggregated by the type of offence: murder/ manslaughter/ rape/	<input type="checkbox"/>	<input type="checkbox"/>	Drop down menu options to include sentencing options common in violence cases. For custodial sentences include a field for the number of months the offender



	sexual assault			is sentenced so that an average final sentence can be obtained for different types of cases.
12	The number of violence cases in which the survivor/ victim is a woman or child in which the offender appeals the decision?	<input type="checkbox"/>	<input type="checkbox"/>	
13	The number of violence cases in which the survivor/ victim is a woman or child that are the subject of appeal and the finding of guilt is overturned and/or the sentence is reduced.	<input type="checkbox"/>	<input type="checkbox"/>	Possible drop down menu options in the case management system: Appeal rejected in full/ Appeal granted in relation to a finding of guilt/ Appeal granted in relation to sentence/ Appeal granted in relation to a finding of guilt and in relation to sentence/ include data field on number of months sentence is reduced/ augmented.
<b>Cook Island Indicator 5: Court fee waiver</b>				
14	Number of female/ male applicants that <b>request</b> a court fee waiver in their civil cases.	<input type="checkbox"/>	<input type="checkbox"/>	
15	Number of female/ male applicants that are <b>granted/ not granted</b> a court fee waiver in their civil cases.	<input type="checkbox"/>	<input type="checkbox"/>	



**Cook Island Indicator 6: Circuit/ island court sittings**

16 Numbers of family and other civil cases disposed of at a circuit/ island court indicating where the applicant party is a woman or a man.

17 Number and percentage of criminal cases/ disposed of at a circuit/ island court indicating where the defendant is a woman or a man.

**Cook Island Indicator 7: Legal Aid**

18 Number and percentage of criminal cases where the defendant receives legal aid, disaggregated by man/ woman/ boy (0-17 years). Girls (0-17 years).

19 Number and percentage of family cases where the applicant party receives legal aid disaggregated by the sex of the applicant party.

20 Number and percentage of other civil cases where the applicant party receives legal aid disaggregated by the sex of the applicant party.

21 **Cook Island Indicator 9: Percentage of Complaints received concerning a judicial officer.**



Number and percentage of Complaints received concerning a judicial officer disaggregated by the sex of the judicial officer.



**22 Cook Island Indicator 10: Percentage of Complaints received concerning a member of court staff.**

Number and percentage of Complaints received concerning a member of the court staff disaggregated by the sex of the staff member.



**23 Cook Island Indicator 14: Court Information**

Information on court services that is publicly available, including information on how to bring:

- Family Law Cases
- Family Protection Orders/ Restraining Orders

How is this information published: on noticeboards, on court websites, in health centres, libraries?

**Disability inclusive Courts**

**24** Number of women and men appearing before the court who have special needs disaggregated by type of case and in what capacity the party living with a disability is appearing before the court in the case:



Possible drop down menu options in the case management system: What type of special assistance does the client require from the court:

- Applicant (civil case)

- To locate, enter and move about the court-room



- Defendant (criminal case)
- Witness/ Victim/ survivor (criminal case)

- To read a document
- To submit a written application
- To hear what is being said in court
- To understand what is happening in the court as well as what preparation may be required before the court hearing day

**Cook Island Indicator 15: Judgments online**

25	Number and percentage of criminal judgments (by year) uploaded to PaCLII or a court website	<input type="checkbox"/>	<input type="checkbox"/>	Show this for each court jurisdiction: e.g. Supreme Court, Magistrates Court, Island Court
26	Number and percentage of family law cases redacted/ anonymised and uploaded to PaCLII or a court website	<input type="checkbox"/>	<input type="checkbox"/>	Show this for each court jurisdiction: e.g. Supreme Court, Magistrates Court, Island Court
27	Number and percentage of civil law cases redacted/ anonymised and uploaded to PaCLII or a court website	<input type="checkbox"/>	<input type="checkbox"/>	Show this for each court jurisdiction: e.g. Supreme Court, Magistrates Court, Island Court

## 4. How to make an Annual Report Better

It is easy to keep doing things the same way. Courts that are striving toward excellence in their service will review how they present information to external stakeholders and change and update this from time to time. The Introduction to this Toolkit lists 10 ideas for improving Annual Reports – Does Your Court Tick all 10 Boxes?

### 4.1 COURT USER SATISFACTION SURVEYS IN COURT ANNUAL REPORTS

As can be seen in Table K below, three PJSI jurisdictions have undertaken court user perception surveys: Palau, Papua New Guinea and the Republic of the Marshall Islands.

*Table K: PJSI jurisdictions have undertaken court user perception surveys*

Country	2011	2012	2013	2014	2015	2016	2017
RMI		✓		✓		✓	
Palau	✓	✓	✓	✓			
PNG <sup>11</sup>	✓						

**Palau:** The Palau Judiciary has undertaken four court user surveys from 2011-2014 and the results for the last two surveys are included in their Annual Reports available on the Palau Judiciary website.

<http://www.palausupremecourt.net/>. The questionnaire prepared by the Palau Judiciary for these court user surveys is attached at Annex 8 to this Toolkit.

In August 2017, a Survey on Family Law and Family Protection Act cases heard by the Palau Judiciary was drafted and a methodology for its implementation discussed in collaboration with the Senior Judge of the Court of Common Pleas.

The Palau Judiciary has conducted a review of the Family Protection Act cases from 2014-2016 and it shows that women initiate 8 out of 10 domestic violence restraining order cases and 7 out of 10 family law cases.

If the survey is undertaken in Palau, women and men who have filed family law or family protection cases and/or been a victim/ survivor in a Family Protection Act criminal matter would be interviewed with the aim of improving both access to the courts and the quality of service received by court clients.

<sup>11</sup> The PNG court user perception survey asked lawyers and clients for their views on the quality and impact of mediation services conducted in the National Court of PNG during May-December 2011.

The survey aims to learn from parties' recent experience with the Palau justice system with a focus on family law matters and violence against women and children. The survey would be voluntary and undertaken on a confidential basis. A copy of the proposed survey instrument is attached at Annex 16 to this Toolkit.

**Republic of the Marshall Islands:** The RMI judiciary undertakes court user surveys every two years and the results are available on the RMI Judiciary website. <http://rmicourts.org/>. The 2016 Annual Report of the RMI Judiciary states that:

*Over two weeks from August 15 to 26, 2016, the Judiciary conducted an access and fairness survey at both the Majuro Courthouse and the Ebeye Courthouse. The Majuro Courthouse had 43 survey participants, and the Ebeye Courthouse had 18. The survey results are included in the RMI 2016 Annual Report.*

*We were pleased to learn that, as in past years, court users rate the Judiciary high on both access and fairness. For example, in response to the questionnaire prompt "I was able to get my court business done in a reasonable amount of time," 97.67% of Majuro respondents said yes. In response to the questionnaire prompt "Court staff paid attention to my needs," 97.62% of the Majuro respondents said yes. In response to the questionnaire prompt "I was treated with 7 courtesy and respect," 100% of the Majuro respondents said yes. The results in Ebeye were similar.*

*Generally, court users gave the Judiciary high marks in timeliness, safety and security, responsiveness to information requests, respect, clear signs, fair and reasonable outcomes, equality of treatment, and clarity in delivery of services. However, the Ebeye responses indicate that the Ebeye Courthouse should be expanded and should include a waiting area for customers. Initial steps have been taken to address this issue. A blue print for a new Ebeye Courthouse (including office space for the Attorney General and Public Defender) has been provided by the Ministry of Public Works. On March 28, 2017 the Judiciary's management team and Majuro District Court judges met with two of the Kwajalein senators to review the blue print and discuss land and funding for the project.*

**PNG:** The PNG court user perception survey asked lawyers and clients for their views on the quality and impact of mediation services conducted in the National Court of PNG during May-December 2011. A summary of results is included in the 2011 PJDP Court Baseline Report [Judicial Monitoring and Evaluation: 2011 Court Baseline Report \(2012\) \(PDF\)](#)

## 4.2 FOUR CASE STUDIES FROM THE PACIFIC REGION

- A Tokelau
- B Cook Islands
- C Republic of Palau
- D Republic of the Marshall Islands

This section explores four examples of national courts that have introduced ways of either providing more information to court stakeholders on the work of the courts or processes to better understand the views of court users on the level of service provided by courts. The first and second case studies (A and B) focus on how the Cook Islands and Tokelau judiciaries produced a court annual report for the first time during 2012. The third (C) and fourth (D) case studies document how the Republic of Palau and the Republic of the Marshall Islands judiciary have both undertaken a survey of court clients to evaluate their level of satisfaction with the services provided by the courts. The access and fairness survey undertaken by these courts was designed and implemented by the courts independently and within existing court budgets with PJDP assisting in the presentation and analysis of key survey findings in the first access and fairness survey undertaken in each country. The subsequent access and fairness surveys were undertaken, analysed and presented in the court Annual Report by the courts themselves.

## CASE STUDIES A & B

### Annual Reports of Tokelau and the Cook Islands

In the first year since the publication of the 2011 PJDP Baseline Report on Court Performance, three of the 14<sup>12</sup> PJDP judiciaries published an annual report for the first time presenting information on the work of courts in these countries. This section considers the experience of Tokelau and the Cook Island judiciaries in developing their first court annual report.

#### Tokelau

**In the 2011 PJDP Baseline Report on Court Performance, Tokelau was able to report on four of the 15 court performance indicators. In the 2014 PJDP Trend Report Tokelau is able to report on 12 of the 15 court performance indicators.**

Tokelau issued its first court Annual Report in late 2012 and was involved in piloting the PJDP toolkit on court Annual Reports. The Tokelau Annual Report covers the July 2011 to June 2012 reporting period. In less than six months, the judiciary in Tokelau was able to (i) compile, analyse and present court performance data in its Annual Report, (ii) translate the document from the Tokelauan language into English in order to discuss the first court annual report with the Chief Justice of Tokelau who is resident in New Zealand and (iii) present the court Annual Report to its Parliament.

An initial meeting was arranged in June 2012 to consider how judicial stakeholders could compile case data and other information about the judiciary from the three islands comprising Tokelau. The workshop participants were drawn from the Law Commissioners, Law Clerks, Police as well as members of the Village Council (Taupulega) and NGO representatives. The participants agreed that they could present the information in the Annual Report clustered around the 5 main themes of the Law and Justice Key Objectives in the Tokelau National Strategic Plan 2010-2015:

To enhance community safety. To improve access to justice. To institute principles of good governance and enhance integrity in the institutions of law and justice. To improve information

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<sup>12</sup> The Federated States of Micronesia also published a Court Annual Report for the first time.

and human resource management in the law and justice sector. To improve national border management. (Tokelau National Strategic Plan 2010-2015: Law and Justice Key Objectives)

By the end of the June workshop, the participants had outlined the different sections of the Annual Report, identified who was responsible for the first draft as well as the next steps of consultation and editing. Tokelau's first Annual Report for the judiciary was tabled before the Cabinet and Parliament (General-Fono) in October 2012.

Table L: Timeframe for drafting the first Tokelau Court Annual Report

Time frame	Action
June 2012	Initial workshop with Tokelauan Law Commissioners, Law Clerks, Police as well as members of the Village Council (Taupulega) and NGO representatives.
By mid- July	All sections of the Annual Report to be e-mailed to Tokelau National Coordinator.
July	Review court workload data from the quarterly reports from each of the three law clerks.
August	Tokelau National coordinator compiles inputs from the three islands, produces the first draft of the Tokelau annual report and sends it to the villages for consultations.
September	Tokelau National coordinator (i) provides a draft of the annual report to the Ulu of Tokelau to review and amend and (ii) translates the document into English.
October	Ulu of Tokelau tables the annual report of the Tokelau judiciary before the Cabinet and parliament (General-Fono).
November	Foreword by the Chief Justice of Tokelau received and translated.
December	Tokelau National coordinator arranges for the publication of the Tokelau judiciary annual report and its distribution to interested parties:
March 2013	Tokelau Annual Report published on <a href="http://www.paclii.org">www.paclii.org</a>

Tokelau's National Coordinator reported that the first Tokelau court Annual Report had met with very positive feedback from Members of Council, the Administrator of Tokelau, General Fono Members, and members of the community. The Foreword written by the Chief Justice of Tokelau is included in Box M.

### Box M: FOREWORD to First Tokelau Court Annual Report

The rule of law underpins the freedom and safety of everyone. But it is fragile. It is not safe in any society unless the men and women of the community support the law and the system of justice which upholds it. It is difficult for anyone to support the law or the system of justice unless they are known.

In Tokelau, the laws are published and available to be read by everyone. But until now the system of justice and how it operates has not been well understood. When I was privileged to make my first visit to Tokelau as Chief Justice in May 2011, it was difficult even for me to find out about the system of justice. It was only after talking to the Law Commissioners, to the Taupulega, and to the Women's Groups on Nukunonu, Fakaofu, and Atafu that I began to get a proper understanding. There was no written explanation or description available to me. That gap has now been filled by this excellent publication.

The first Tokelau Judicial Annual Report describes the legal system of Tokelau. It is immediately clear that, even in the sixteen months since I visited, there has been great effort to make judicial service more accessible and better understood. Much has happened in the last year, particularly in the training and organisation of the police. A comparison of the judicial work in the three villages, which is undertaken in this report, provides standards against which future improvements can be measured. Such measurements improve access to justice and equality of treatment. They are also a great help to the Law Commissioners in responding to the needs of their communities. Most importantly, they allow the people of Tokelau to understand the administration of justice and to take ownership of it. As I have already suggested, without that ownership and the community commitment it leads to, the rule of law is at risk.

So I congratulate those who have compiled this report. I look forward to similar annual publications. And I offer my very best wishes to all who work for justice in Tokelau.

Rt Hon Dame Sian Elias  
Chief Justice of Tokelau

### Cook Islands

In the 2011 PJDP Baseline Report on Court Performance, the Cook Islands were able to report on one of the 15 court performance indicators. In the 2014 PJDP Trend Report the Cook Islands are able to report on 12 of the 15 court performance indicators.

The Cook Islands issued their first court Annual Report in May 2013. Paragraph 1 of the Cook Islands Annual Report states:

Para 1: This is a Report on the operations of the Court of Appeal and High Court of the Cook Islands for the period 1 July 2011-30 June 2012 (corresponding with the Ministry's financial year). It has been prepared by reference to:

- Ministry of Justice, Business Plan 2011-12, prepared by Claudine Henry-Anguna, Acting Head of Ministry;
- Pacific Judicial Development Programme (PJDP), 2011 Court Baseline Report.

The Cook Islands Court Annual Report states that it “is prepared for the purposes of Government, Court users, the media and funding bodies.” It is available to the public as it is published on both the PaCLII and the Cook Islands Ministry of Justice website.

The Annual Report presents an interesting model for the Pacific as it is collaboration between the Court and the Ministry of Justice to provide greater information to the people of the Cook Islands on the work of the court system. The Annual Report is signed by the Chief Justice of the Cook Islands, the Head of the Ministry of Justice and the Registrar. The Foreword written by the Prime Minister and Minister of Justice of the Cook Islands is included in Box N. The report states in its opening section that, “the intention is that from now on there should be annual reports prepared no later than May in the year following the relevant financial year. As electronic data capture becomes more reliable, it is anticipated that this report will include greater detail...”

The concluding remarks of the Cook Islands court annual report include the following:

The court is reliant, in part, on external funding and it is the expectation of such bodies that a court should provide an annual report. The PJDP, in particular, has been assisting Pacific courts to provide appropriate reporting details and their assistance is gratefully acknowledged.<sup>13</sup>

#### Box N: FOREWORD to first Cook Islands Court Annual Report

Access to justice is a fundamental human right in any democratic society. This is reflected in Articles 64 and 65 of the Constitution of the Cook Islands.

Despite the challenges of an ever-changing society, and the numerous constraints we face as a small Island nation, the Ministry of Justice has continued to maintain access to justice as one of its main core functions.

In this first report on the operations of the High Court and Court of Appeal, I am pleased that steps are being taken to improve the provision of court services to the people of the Cook Islands. The Government will continue to provide the necessary resources and support to ensure that the right of any individual to access justice is not adversely affected, or denied.

I am also thankful for the Pacific Judicial Development Program, for its continued support in providing training for members of the Judiciary and court staff.

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<sup>13</sup> Paragraph 49, Government of the Cook Islands Court Annual Report 2011-2012.

This report is testimony to the valued contributions and professionalism of the staff involved in upholding the priority of Law and Order in our community.

Kia Manuia Hon. Henry Puna  
Prime Minister and Minister of Justice

## CASE STUDY C

### Findings from Palau Judiciary Access and Fairness Survey

The Supreme Court of the Republic of Palau implemented an access and fairness survey over two weeks in February and March 2011.

The inspiration for undertaking the access and fairness survey came from one of the three associate justices of the Supreme Court attending an Asia-Pacific meeting on the International Framework for Court Excellence (IFCE) in Singapore in 2010. The Associate Justice was responsible for working with court staff on the implementation of the survey.

The survey used was developed by the Supreme Court of Palau and based upon questions used in the IFCE self-assessment questionnaire and a number of surveys from other courts around the world. The survey questionnaire has eleven questions related to access to the court and four questions related to issues of fairness.

The Palau judiciary undertook this survey without consultants or trainers but by thinking through each step of the survey process. Court staff met with the Supreme Court judge coordinating the survey and, using a checklist approach, discussed how to approach people who were visiting the court during the two-week period that the survey was undertaken. Court staff asked people whether they would be prepared to complete the survey, answered any questions they may have and received the completed questionnaire from them when they had finished.

The Clerk of Courts then reviewed the survey questionnaires and entered the data into Excel format. 269 people who attended the Supreme Court in its two locations in Koror (229 surveys) and Melekeok (40 surveys) completed the survey over the two-week survey implementation period in February/March. This represents over 1% of Palau's population. A detailed analysis of the Palau Judiciary access and fairness survey is included in Part 5 of the PJDP 2011 Court Baseline Report.

In general, the Supreme Court received overwhelmingly positive responses from court users. However, there were a few areas where clients have suggested improvements. In many of these areas the court has already taken steps to implement the suggestions made.

The Palau Judiciary has undertaken further access and fairness surveys of court users published in 2012, 2013 and 2014.

## CASE STUDY D

### Findings from Republic of the Marshall Islands Judiciary Access and Fairness Survey

The Republic of Marshall Islands implemented an access and fairness court survey over two weeks from April 9-20, 2012 at both the Majuro and Ebeye courthouses. Majuro had 101 survey participants and Ebeye had 4 survey participants. In 2012, Majuro had 259 High Court cases filed and 3214 District Court cases filed (total: 3473 cases) and Ebeye had 34 High Court cases and 349 District Court cases (total 383 cases).

The survey questionnaire was based upon questions used in the International Framework for Court Excellence (IFCE) self-assessment questionnaire and a number of surveys from other courts around the world. The Supreme Court of Palau had trialled a similar access and fairness survey in 2011. The survey questionnaire had eleven questions related to access to the court and four questions related to issues of fairness.

Over two thirds of survey respondents who visited the courthouse interacted with court staff in order to file papers/deliver documents, obtain information, search court records/obtain documents or make a payment. Registry court-staff provide the first impression of service standards in a court. Many court clients will have a greater degree of interaction with court staff rather than with judicial officers. For this reason it is important to have effective training programmes for registry court staff as well as complaint/ feedback mechanisms so that the public can comment on the service they receive at court registries.

A detailed analysis of the Republic of Marshall Islands Judiciary access and fairness survey is included in Part 5 of the PJDP 2012 Court Trend Report.

The Republic of Marshall Islands Judiciary has undertaken further access and fairness surveys of court users published in 2014 and 2016.

#### 4.3 ADDITIONAL CONTENT FOR ANNUAL REPORTS

PJSI Courts may wish to consider including other sections in their Annual reports such as the following areas that have been discussed with courts participating in PJSI:

- I. **Results of client satisfaction surveys** undertaken and any changes the Court may introduce in the light of the survey findings. Survey questionnaires and implementation guides are included at **Annexes 8, 9 and 16** of this Toolkit. Software such as Survey Monkey ([www.surveymonkey.com](http://www.surveymonkey.com)) can be used to create an electronic or paperless version of the access and fairness survey that court clients could complete on a tablet or smart phone.
- II. **Juvenile disaggregated data** that shows whether the case involves children as perpetrators or victims of crimes are important in order to deliver better justice services to children. Part 6 of the PJDP 2014 Court Trend Report looks at these issues in more detail. A new age disaggregated data chart creator has been added at **Annex 14** of this Annual Reporting Toolkit.

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- III. **Sex disaggregated data:** Annual Reports of courts should include data on the number of domestic violence cases and protection order applications commenced by women each year, an average duration for the finalisation of these cases and an indication of whether the case is resolved in favour of the applicant party for the protection order. Part 7 of the PJDP 2014 Court Trend Report looks at these issues in more detail. A new age disaggregated data chart creator has been added at **Annex 13** of this Annual Reporting Toolkit.
- IV. **Disability inclusive disaggregated data:** Annual Reports of courts should include disability disaggregated data collected through their case management system as a way of demonstrating the commitment to the principles contained in the Convention on the Rights of Persons with Disabilities (CRPD) 2007. **Annex 15** of this Annual Reporting Toolkit includes a Checklist for sex, age and disability inclusive data in Annual Reports and **Annex 17** includes issues for the court leadership to consider when drafting a protocol for their court on how to make courts more accessible for people living with a disability.

## 5. Tools developed for drafting Annual Reports

During 2011-2018, a number of Annual Report tools have been developed. These are listed below and can be accessed on the PJDP website. The Tools have been developed as a result of working with the majority of the PJDP countries on their Annual Reports.

	Tool	Function
1	Workshop Objectives, Session Outlines and Programme	For Courts organising workshops court staff and external court stakeholders on how to prepare an Annual Report.
2	PowerPoint presentation	For Courts organising workshops to develop Annual reports.
3	Annual Report Planning Template – A Guide to Who, What, When	A table that lists the different sections of the Annual Report and who will be responsible for drafting each section by when.
4	Annual report Template	A template for the narrative text of an Annual Report incorporating the 15 Cook Island indicators
5	Chart Creator – Excel Format	An Excel template that allows Courts to present trend data over several years for the 15 Cook Island indicators
6	Chart Creator – Step by Step Guide	Step-by-step guide on how to use the Chart Creator (based on Excel 2010)
7	Guide to Making Charts for an Annual report	Step-by-step guide on how to use the Chart Creator (based on Excel 2007)
8	Example of a Client Satisfaction Survey	Republic of Palau Judiciary Access and Fairness Questionnaire as adapted from the CourTools Access and Fairness Survey
9	CourTools access and fairness survey	CourTools access and fairness survey and implementation guide
10	Annual Indicator Questionnaire to Update Chart Creator	This questionnaire lists the annual data to be compiled and entered into the chart creator
11	Data Collection Questionnaires for family	Two questionnaires that focus on collecting gender disaggregated data on family law and family violence cases

	law and family violence cases	
12	Tokelau data spread sheet (example average duration)	A simple spread sheet for collecting case data that will capture the duration of a case as well as age and gender disaggregated
13	Sex Disaggregated Data Chart Creator	An Excel template that allows Courts to present trend data over several years for family law and Family Protection Act cases
14	Juvenile Disaggregated Data Chart Creator	An Excel template that allows Courts to present trend data over several years for juvenile cases and diversionary juvenile justice systems
15	Checklist for the collection, analysis and presentation of data in an Annual Report	Checklist
16	Survey on Family Law and Family Protection Act cases	Draft survey developed with the Republic of Palau Judiciary Court of Common Pleas
17	Taking steps to make a court more accessible for people living with a disability	Issues for the court leadership to consider when drafting a protocol for their court on how to make courts more accessible for people living with a disability.
18	Overview of Cases Published on PacLII 2011-2017 by the Fiji Courts	An example of how a Pacific Court publishes judgments from different court jurisdictions on PacLII and records the number of cases published each year.

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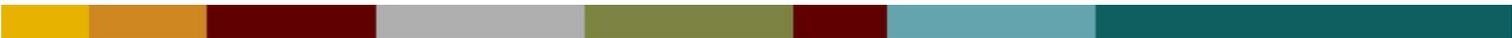
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<i>Federated States of Micronesia</i> <a href="http://fsm-supremecourt.org/">http://fsm-supremecourt.org/</a> and <a href="http://www.paclii.org">www.paclii.org</a>
<i>Kiribati</i> <a href="http://www.paclii.org">www.paclii.org</a>
<i>Nauru</i> No Annual Report
<i>Niue</i> <a href="http://www.paclii.org">www.paclii.org</a>
<i>Palau</i> <a href="http://www.palausupremecourt.net/">http://www.palausupremecourt.net/</a> and <a href="http://www.paclii.org">www.paclii.org</a>
<i>Papua New Guinea (National and Supreme Courts)</i> Annual Report drafted but cannot be accessed by the public
<i>Republic of the Marshall Islands</i> <a href="http://rmicourts.org/">http://rmicourts.org/</a>
<i>Samoa</i> <a href="http://www.palemene.ws/new/parliament-business/annual-reports/ministry-of-justice-and-courts-administration/">http://www.palemene.ws/new/parliament-business/annual-reports/ministry-of-justice-and-courts-administration/</a>
<i>Solomon Islands</i> <a href="http://www.paclii.org">www.paclii.org</a>
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# *ANNUAL COURT REPORTING TOOLKIT - ADDITIONAL DOCUMENTATION*

Available at: <http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>

Toolkits are evolving and changes may be made in future versions. For the latest version of this Toolkit and the Additional Documentation please refer to the website - <http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>

Note: While every effort has been made to produce informative and educative tools, the applicability of these may vary depending on country and regional circumstance.





# Pacific Judicial Development Programme

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