



PACIFIC JUDICIAL STRENGTHENING INITIATIVE

PROJECT COMPLETION REPORT

ACCOUNTABILITY

2011-2021

Report by: Cate Sumner



**FEDERAL COURT
OF AUSTRALIA**



*PJSI is funded by the New Zealand Government and
implemented by the Federal Court of Australia*

1. Introduction

Summary of Project, including objectives, inputs, outputs and outcomes [To be a stand-alone summary. PJSI will supply a draft related to all components but outcomes].

The purpose of PJSI's Accountability (Project 13) is to improve public trust and confidence in courts by increased transparency to the public of court performance data, analysis and knowledge.

The first two Trend Changes referred to in the PJSI 2020 Court Performance Report show how far developments have come in the Accountability domain with more PJSI jurisdictions reporting on more of the Cook Island indicators.

Change 1 Sustained Increase in Transparency of Annual Reporting by PJSI Partner Judiciaries

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 2020, judiciaries in 12 of the 14 PJSI countries produce or contribute to an Annual Report. 10 of the 14 PJSI countries produced or contributed to an Annual Report in the year immediately following the reporting period and 6 out of the 14 PJSI countries made the 2019 Annual Report publicly available online in 2020, the year immediately following the reporting period.

Change 2 Greater Ability of PJSI Judiciaries to Report on more of the Cook Island Indicators

In the baseline year of 2011, only the Republic of the Marshall Islands was able to report on twelve or more of the Cook Island Indicators. In 2020, 8 of the 14 PJSI countries (57%) are able to report on twelve or more of the Cook Island Indicators.

In 2011, only 33% of the Cook Island Indicators were able to be reported on by the 14 PJDP countries. In 2021, this has risen to 71% as presented in Table B in the Executive Summary.

2. Activities/Inputs & Outputs

Activity Data is attached at the end of this Report

3. Results

Concisely discuss the Project's:

Outcomes, both original and unexpected/additional

The outcome for the Accountability Project is that PICs present information publicly about court performance against the Cook Island indicators, plus gender/GFV disaggregated data. The Project's targets are:

By June 2021:

- 7 PICs annually presenting information publicly about court performance against the CII ACHIEVED – MAYBE EXCEEDED
- including 4 presenting gender/GFV data - EXCEEDED
- 4 PICs periodically conduct User Perception Surveys - EXCEEDED

The Outcomes have been achieved or exceeded with the supporting documentation outlined below:

The PJSI 2020 Court Performance Report documents that 7 PICs annually presenting information publicly about court performance against the Cook Island indicators. In fact, PNG and Tokelau may also come through in the next couple of weeks so would be good to review the final report before you submit.

6 PICs present gender/GFV data: The 2019 Annual Reports from Kiribati, the Federated States of Micronesia, Republic of the Marshall Islands, Palau, Tonga and Vanuatu present new age and sex disaggregated data in relation to family law and violence cases. More sex disaggregated data developments can be seen in Part 5 of the 2020 Court Trend Report.

5 PICs have conducted User Perception Surveys (RMI, FSM, Palau, Kiribati, Tonga) with Vanuatu scheduled to undertake a court user survey in June. More detail is contained in Part 2 of the 2020 PJSI Court Trend Report.

Court produces or contributes to an Annual Report that is publicly available for the previous year – Year 10 Trend Data

Cook Islands	Federated States of Micronesia	Kiribati Islands	Marshall Islands	Nauru	Niue	Palau
No Annual Report for the last Reporting Period	2019 Annual Report is finalised and on the Court website	2018-2019 Annual Report finalised and available online	2019 Annual Report published and available online	No Annual Report for the last Reporting Period	High Court 2015/2016 – 2018/2019 Annual Report published and available online PacLII	The 2019 Annual Report is published on PacLII and the Palau Judiciary website
Papua New Guinea	Samoa	Solomon Islands	Tokelau	Tonga	Tuvalu	Vanuatu
The 2019 Annual Report and earlier Annual Reports are not available on PacLII or the PNG National and Supreme Court website	The Ministry of Justice and Court Administration (M/JCA) Annual Report 2018-2019 is not available on the M/JCA website. The last available M/JCA Annual Report is for 2012-2013	The 2012-2014 Annual Report is not published on PacLII. The last Annual Report published on PacLII is from 2009	The 2018-2019 Annual Report is awaiting the Foreword from the Chief Justice and will then be sent to PacLII for publication	The courts of Tonga produce a 2019 annual report which is available on both PacLII and the Ministry of Justice website	No Annual Report for the last Reporting Period	2019 Annual Report published and available online

Tangible changes in behaviour and/or performance: More In-depth Analysis and Increased Presentation of Trend Data in Annual Reports: In the baseline year of 2011, the Annual Reports that were produced would often present a single year’s court data without analysis of how the year’s performance compared with the previous years’ accomplishments.

The 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 or, more recently developed, Case Tracker and Dashboard.

All PJSI partner judiciaries have improved the depth of analysis and quality of Annual Reports over the last ten years. Many judiciaries are now able to present data in a more user-friendly manner by incorporating charts and clear narrative text and then explaining the reasons for changes in court performance to a wide range of court stakeholders.

The other very tangible change in behaviour and performance is the greater ability of PJSI judiciaries to report on more of the Cook Island Indicators. In the baseline year of 2011, only the Republic of the Marshall Islands

was able to report on twelve or more of the Cook Island Indicators. In 2020, 8 of the 14 PJSI countries (57%) are able to report on twelve or more of the Cook Island Indicators.

Table A Percentage of the 14 PJDP countries that report on the indicator in the 2011 Baseline year and 2020 Court Trend Report

Indicator	Percentage of the 14 PJDP countries that report on the indicator in the 2011 Baseline Report	Percentage of the 14 PJSI countries that report on the indicator in the 2020 Trend Report
1 Clearance rate	64% (9 of 14)	78.5% (11 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)	71% (10 of 14)
4 Overturn rate on appeal	21% (3 of 14)	71% (10 of 14)
5 Percentage of cases that are granted a court fee waiver	21% (3 of 14)	78.5% (11 of 14)
6 Percentage of cases disposed through a circuit court	50% (7 of 14)	85% (12 of 14)
7 Percentage of cases where a party receives legal aid	14% (2 of 14)	64% (9 of 14)
8 Documented process for receiving and processing a complaint that is publicly available	21% (3 of 14)	50% (7 of 14)
9 Percentage of complaints received concerning a judicial officer	21% (3 of 14)	71% (10 of 14)
10 Percentage of complaints received concerning a court staff member	14% (2 of 14)	71% (10 of 14)
11 Average number of cases per judicial officer	57% (8 of 14)	78.5% (11 of 14)
12 Average number of cases per member of court staff	43% (6 of 14)	71% (10 of 14)
13 Court produces or contributes to an Annual Report that is publicly available in the following year	7% (1 of 14)	50% (7 of 14)
14 Information on court services is publicly available	29% (4 of 14)	71% (10 of 14)
15 Court publishes judgments on the Internet (court website or the Pacific Legal Information Institute)	93% (13 of 14)	85% (12 of 14)

In 2011, only 33% of the Cook Island Indicators were able to be reported on by the 14 PJDP countries. In 2021, this has risen to 71% as presented in Table B in the Executive Summary.

Table B 14 PJSI countries that currently report on the 15 indicators

PJSI Countries*	Cook Islands	FSM	Kiribati	Marshall Islands	Nauru	Niue	Palau
2011 Baseline Report	1	1	4	14	2	1	11
2012 Trend Report	10	6	5	15	2	12	14
2014 Trend Report	12	12	15	15	2	13	15
2018 Trend Report	6	13	14	15	4	10	15
2020 Trend Report	5	15	15	15	4	13	15

Type	Indicator	Cook Islands	FSM	Kiribati	Marshall Islands	Nauru	Niue	Palau
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 circuit court	●	●	●	●	●	●	●
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 PaCI.II	●	●	●	●	●	●	●

● Can report on the indicator ● Cannot report on the indicator/judgments online but not for the previous 2 years

* While Fiji joined PJSI in 2019, it is not included in this 2020 Trend Report as it is not possible to document charges over the last decade.

PJSI Countries*	PNG	Samoa	Solomon Islands	Tokelau	Tonga	Tuvalu	Vanuatu
2011 Baseline Report	6	1	3	5	5	9	6
2012 Trend Report	3	5	3	10	12	1	6
2014 Trend Report	11	12	11	10	15	2	13
2018 Trend Report	8	4	7	10	15	1	12
2020 Trend Report	10	8	12	9	15	1	13

Type	Indicator	PNG	Samoa	Solomon Islands	Tokelau	Tonga	Tuvalu	Vanuatu
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 circuit court	●	●	●	●	●	●	●
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 PaCI.II	●	●	●	●	●	●	●

● Judgments online but not available for the previous year/ Court produces an Annual Report but it is not publicly available online

Transformational results/impacts:

The first is the growing understanding about the importance of presenting sex, age and disaggregated data in Annual Reports. This has contributed to more detailed Annual Reporting particularly around family, violence and juvenile cases. The 2019 Data Management Workshop in Vanuatu also commenced a more detailed discussion around disability disaggregated data with more countries raising the need to be able to collect disability disaggregated data and consider how to better provide services to people with a disability. In 2011, no court collected, analysed or presented data on people with a disability accessing their courts.

In 2020, the Supreme Court of Tonga released a Disability Policy that sets out key principles and outlines reasonable adjustments that can be made to ensure that people with a disability are able to have full and effective participation when appearing in court.

The Republic of the Marshall Islands and Palau have also amended their case tracking systems to gather disability disaggregated data. More disability inclusive court developments can be seen in Part 6.

The second key transformational impacts observed over the last 10 years is smaller PJSI partner judiciaries demonstrating their commitment to annual reporting.

In the baseline year of 2011, the judiciaries of the Cook Islands, FSM, Kiribati, Niue, Palau and Tokelau did not produce or contribute to an Annual Report. In 2020, four of these six jurisdictions have produced an Annual Report every year since 2013, while the remaining two jurisdictions have produced at least four Annual Reports since this time.

Most Significant Change in each Partner Court you worked with [PJSI will be holding an MSC webinar for court actors on 11 March, 2021 and a discussion with Chief Justices on 22 April. Our MSC questionnaire will be sent in advance for completion and the results shared with all TAs]

The Most Significant Change is the growing realisation amongst Chief Justices, Chief Registrars and other members of the Court Leadership Team of the court performance cycle that integrates internal court reporting (assisted through case tracking/ management systems) and external reporting through Annual Reports and websites. This is the result of the interweaving of the work of many of the Technical Advisers. Some stand-out contributions are:

- the two regional Court Data Management Workshops have contributed to this understanding at all levels of the Court
- the latest tool co-written with Dr Carolyn Graydon that lists data fields that incrementally can be included in court forms and case management systems. This will enable courts to adequately protect the human rights of particular groups of court users and ensure the full and effective participation in any court proceeding for all court users.
- PJSI support to a range of countries with a CTS and Dashboard have also assisted some courts with their Annual Reporting on the Cook Island indicators.

I have highlighted this MSC through the words of Chief Justices in their Forewords to their Annual Reports as well as through comments of other participants in the MSC Workshop:

Federated States of Micronesia:

Chief Justice Foreword 2019 Annual Report:

... On a positive note, the court is in compliance with all of the 20 Cook Island Indicators. We have a number of other success stories as well: The court transitioned from the Dash Board (for cases) to a Case Tracking System; a system provided for by PJSI. We want to thank our partners (New Zealand and the Court of Australia), and PJSI for their continued support.

... With funding from our last annual budget, we were also able to make our courts more accessible to the people with disabilities by adding parking spaces and ramps where appropriate.

.... The key staff of the FSM Supreme Court continue to provide Annual Statistical Reports and are working to upgrade data input using more sophisticated software and more specific aggregate data capabilities. The staff of the FSM Supreme Court, especially the Director of Court Administration, the Chief Clerk of Court, the Director of Information Technology System, and their staff should be recognized for putting in the hard work that it takes to produce this report. It is a tedious and time consuming effort, but the Court strives to produce this report in a more regular and consistent manner. The importance of this report for the evaluation of the Court's performance and efficiency cannot be understated. This Annual Statistical Report 2019 contains data that are important to evaluate the Court's performance for this year.

FSM - Ms Emeliana Musrasrik-Carl then there was an upgrade to the case tracking system, the data is now 110% accurate. We will be submitting our annual report soon. There is still room for improvement, but everyone can now see the status of cases, the cases that dropped off the radar are now found, this is an example of how the case tracking system has improved our system.

FSM - Ms Emeliana Musrasrik-Carl – “the major positive impact of the Court Tracking System on Court Users is the transparency and public trust. All the training has worked hand in hand, in terms of the procedures and professional development. Our staff are very comfortable, I have seen improvement in staff attitude, the staff now take ownership of their work, know that the public and attorneys appreciate the work that they do. The Judges are happy knowing that they are on top off their case load, and don’t have to worry about cases that have been lost. All up it took three years to get the where we are now. We have been getting a lot of support from PJSI, so thank you.”

FSM – Ms Emeliana Musrasrik-Carl –the FSM has also passed a Human Trafficking Act in all four states, and have conducted training in all four states. Since the awareness raising by NGOs as well as the Court, we have had cases filed at the National and State Courts on human trafficking cases. We use in the Access of Justice, we present to the public the [dis]aggregated data, 99% of victims are minors and 100% are female. The message that we want to pass on to people to understand is that this is not a foreign concept and 90% of cases the perpetrators are from FSM. This has a major impact in terms of the general public, cases are now being filed in the Court, from people now understanding what is it and where it can be reported.

Palau

Palau – Justice Rudimch – in 2014 Palau had passed the Family Protection Act so it was timely for PJSI to visit and assist in our understanding of domestic violence and the best way to implement the Act. We set our goals and what we wanted to achieve.

Palau - Justice Rudimch at the follow up meeting an opportunity to make sure we were on track with our goals. It was very helpful to tie it in, particularly for the Chief Justice, to reporting, we now have a better understanding, we have establish our Protocols and working with other agencies. We have been able to present the information in terms of transparency and the public to know how seriously the Courts take the issue of domestic violence. The PJSI assistance has definitely been very useful.

Palau – Ms Alison Sengebau – “one of the biggest changes was the video conferencing and access to justice, this started out as regional project management training in Vanuatu, which lead to an LIF grant application for a video conferencing workshop in 2018. We developed guidelines so when Covid hit we were ready, people were still able to access the Court including outside parties and litigants. One of the Judges was off island, he was able to do remote hearings. It also gave access to elderly and the disabled, victims who were afraid to be in court could testify safely, basically to give access to justice.”

PNG

PNG – Ms Josette Makau – the most significant change, in my personal view, was the court performance and data management. From last year’s report, the Chief Justice has now embarked on a program to put all the reports from independence until now onto the website. Previously the Court was not very transparent in its reporting. This all relates to the efficiency workshop, time goals and having the tools to manage and collect the data. The tools that the PJSI have provided with the trend report, statistics and the indicators have all assisted the PNG judiciary to collect the information to be used and produced to show Court performance. The Chief Justice

made the decision to use the PJSI reporting template to report on the Court performance. Working with all the other law and justice agencies, and becoming the lead agency to do so. This is the most significant change in the last five years; to be transparent and capture the data on how the Courts are performing.

Niue – Chief Justice

Court Performance Overview: 15 Cook Islands Indicator

In March 2012 the Chief Justices of 14 South Pacific Island Countries participating in the Pacific Judicial Development Programme (PJDP) met in Suva, Samoa and agreed to progressively build the capacity of their Judicial and Court Staff and to publish annual reports which included Court performance data and results against 15 indicators. These 15 indicators are known collectively as the Cook Island Indicators.

The collection and analysis of this data over a number of years allow the Courts to evaluate their performance year by year, identify trends, allocate resources efficiently and set realistic and appropriate Court performance standards.

The reporting of this data to stakeholders and to the public promotes accountability and transparency of the Judiciary.

Briefly describe what and how your work (over the past 5-10 years) has contributed to improving the quality of lives and wellbeing of citizens across the region in justices-related ways. [Provide succinct but incisive evidence of these improvements – preferably qualitative, (but also quantitative if available) which can be anecdotal, observational and/or data based to establish, illustrate, exemplify this/these improvements].

The Court Annual Reporting activity has strengthened the capacity of PJSI partner courts to use data to see who is able to access the courts for their legal matters and who is not and argue for the resources necessary to deliver optimal justice services to their people. I have chosen three examples from Palau, RMI and Tonga and Vanuatu

Palau: Juvenile Justice

In 2017, during an in-country visit to Palau I assisted Senior Judge Rudimch to draft a Press Release on how outcomes for children at changed from 2011-2016. When I visited Palau in 2011 I worked with the Court Clerk to see what was happening in summary/ citation cases involving children. As documented in the Palau Judiciary Press Release we discovered that:

112 of 125 children (90%) were found guilty of the citation charges. 46 of these 112 children (41%) were incarcerated in the Koror jail where there were not separate facilities for children. Two thirds of these 112 children served a 24 hour sentence in the Koror jail and 25% served sentences of between 5 to 90 days.

Fast forward to 2019 where in the Palau 2019 Annual Report it is reported that:

Juveniles continue to be offered the deferred adjudication process under the Penal Code in cases where the court determines that justice and the welfare of society do not require that an accused incur the penalty imposed by law. The procedure can only be offered once and cannot be used in serious offenses against another person.In 2019, twelve (12) cases or 17% went through the deferred adjudication process, while thirty-two (32) or 44% of the cases received probation, a fine, or community service. Twelve (12) or 17% of the cases received a punishment that included incarceration. Sixteen (16) or 22% were dismissed, pending, or have outstanding

warrants. The Public Defenders' Office or court appointed counsels represented all the juveniles. All juvenile records are sealed from the public.

As a result of the work supported by PJSI many juveniles in Palau who were charged with minor misdemeanours/ criminal citations do not have a criminal conviction that could have a negative impact on their lives. Moreover, far fewer children are detained in the Koror jail. The change in the way that children's cases are handled in Palau from 2010 to 2016 results from a Memorandum of Understanding on Juvenile Proceedings between the Attorney-General's Office, Public Defenders Office, Bureau of Public Safety and the Palau Judiciary.

Judge Redimch from the MSC workshop:

Palau – Justice Rudimch – “with respect to the accountability visits, similar with FSM, we were fortunate to have the PJSI visit and upgraded our case management system. Through that visit the staff learned to appreciate and understand their role in the process, to know whatever entry they do on a daily basis affects how the judges do their work. If you don't enter the data properly and the deadlines, then there is no way for the Judge to know how the flow of their cases are tracking. Staff have become more accountable and this has been a big change and helped the judicial officers issue their decision on a timely basis”.

RMI - funding for better courthouses

The Chief Justice of RMI has been a supporter of the Cook Island indicators from the very beginning and has documented to the RMI Executive that the RMI court is the most transparent PJDP/PJSI Court and the first court to be able to report against all Cook Island indicators. The Chief Justice has documented in the Annual Report the case load by island to build an argument year by year that there should be a new Court House on Ebeye as the current courthouse had deteriorated. At the Chief Justices' Leadership Forum in April, Chief Justice Carl Ingram announced that \$1.2M had been allocated for a new Courthouse on Ebeye. His Honour mentioned that this was due to his use of the Annual Report process and Cook Island indicators as an “offensive strategy” to raise funding levels for urgent judicial projects. In the case of the RMI this will result in a new courthouse in Ebeye that hundreds of court clients will benefit from in the years to come.

Tonga and Vanuatu – advocacy toward court fee waiver and legal aid services

Chief Justices in Tonga and Vanuatu have taken steps to disaggregate data by sex, particularly in relation to family and violence matters and present this in Annual Reports and statistical analyses that are available online. Their analysis of cases has also focussed on the need to be able to waive court fees in certain types of matters and find new ways to reach clients that are not able to access physical courthouses. Court Annual Reporting has been one of the ways that this understanding of access and affordability issues, particularly for women, has become clearer and will hopefully contribute to concrete policy development.

Part 3 of the 2020 PJSI Court Trend Report continues to highlight the tangible changes that are necessary:

An overview of development indicators across the PJSI jurisdictions is presented to better understand the accessibility and affordability elements within the Cook Islands Indicators.

The following points are important for a more complete understanding of the court performance data that will be reviewed in the next chapter:

1 The population across the 14 PJSI jurisdictions varies from approximately 1,500 in Niue and Tokelau to almost 9 million in Papua New Guinea. The second largest population is that of the Solomon Islands at

700,000 people. The population of PNG is around 6000 times that of the smallest jurisdictions within the PJSI. This huge variation in the sizes of the jurisdictions within PJSI has implications for the complexity of the data gathering task when applied to court users.

2 Twelve of the fourteen PICs have had a basic needs poverty line calculated for their country. On average, a quarter of the population in each of these PICs has an income that falls below the basic needs poverty line for their country.

3 The cost of a civil case as a percentage of the weekly basic needs poverty line varies from 0% in Tokelau where there are no court fees to ten times the monthly income of a woman or man on the Basic Needs Poverty Line in the Solomon Islands and Vanuatu.

These development indicators for the Pacific highlight how, for a significant proportion of the population in each of the PJSI PICs, it is important that there is a process:

- to waive court fees in civil cases for those facing financial hardship and that this process is clearly presented to all court users;
- for court users facing financial hardship to access the courts more easily through circuit courts as the cost of transportation to the court from their village is reduced.
- to increase awareness of those jurisdictions where it is possible to obtain interim protection orders through phoning courts rather than having to travel to a court.

Chief Justice of Tonga on Affordability in the 2019 Annual Report

Chief Justice foreword:

There continue to be serious access to justice concerns in Tonga. Many people (including, but certainly not limited to, disadvantaged groups and people with disabilities) cannot access or afford lawyers or legal advice and face substantial barriers to obtaining justice. The heavy demands on the Family Protection Legal Aid Centre, which provides free legal services to victims of domestic and family violence, continue to strain the very limited resources of the service to, and at times, beyond, capacity. Regardless, Mrs Fitolagi Fa'anunu, the director of the FPLAC, and her dedicated staff continue to serve their many clients to the best of their abilities.

The lack of a full legal aid service also greatly impacts criminal proceedings. The very large number of self-represented defendants is a cause for considerable concern as the courts are only able to assist with advice on procedural matters, not merits advice or advocacy. Considerable additional time and resources are required to ensure that such cases are managed efficiently and brought to trial in a timely manner while also ensuring that those defendants are afforded a full and fair opportunity to know the case they have to meet and present their case in defence where they wish to do so. To that end, a detailed information guide has been created and made available to self-represented defendants to assist in their understanding of the criminal trial process, what they may expect and what is expected of them during the course of their trial.

The implementation of the Court's first Disability Policy to assist in safeguarding the rights and access of persons with disabilities to the Courts and to justice.

His Honour Vincent Lunabek, Chief Justice of Vanuatu in his address at the opening of the 2021 law year:

As we begin a New Legal Year, we need to pause and reflect on the workload and performances of the courts in the past legal years and look back to the good things, the bad things and the challenges Vanuatu and its people have gone through with the work of the courts, the development of the law in general and all developments in our society as to how the laws impacted on the life of our people and Vanuatu as a nation.

....

Further, I can say that while other countries within the Pacific Island judiciaries have data, they cannot interpret the data into information for their use by these courts, governments and respective people. I can inform you that we have data and our court local team (Chief Registrar Joel Shemi, National judicial

Training and coordinator Wendy Raptigh and System Officer of Strem Rod blo Justis, Emma Scadeng) is able to make commentaries, interpret the data into intelligible information for their use by the Courts, the Government and the people of Vanuatu.

Our ability to reflect on the performance of the courts on a monthly, quarterly and yearly basis is a credit to the Chief Registrar and his team, and as I have mentioned in previous years, our ability to present to you, the Government and the Community, our 2020 performance analysis within the month of January is testament to the work of many.

Finally, as we reflect on the performance of cases dealt with across the four jurisdictions, we will continue to drill into more specifics such as who appears before us – their age, gender for example, as well the orders and outcomes associated with the cases.

Some reflections on Post Covid-19 justice needs

- *We need to have a different mental set or mentality in order to deal with the justice needs of the ordinary people of this country.*
- *The question we should ask is how the post-pandemic justice system will look different and how it might even emerge from the current crisis better than before.*
- *Most importantly I sense the use of digitalization will become the norm in short matters such as restraining orders protecting domestic violence victims, child protection determinations, bails applications – All by way of remote proceedings by telephone and videoconference.*

A year earlier the Chief Justice has remarked:

From an Island Court perspective, this is now of considerable concern to me, to see such a reduction in filings in the court, especially around Maintenance matters. In addition, not only have we seen a reduction in filings, but we have been unable to finalize cases and the pending numbers have risen considerably – along with the age of these pending cases.

As a Court typically seen as one for easy access, and quick resolution of matters, this is not the case with the Island Court today, and we must restore confidence and the usage of the Island Court in 2020.

158 cases or 55% of the 286 cases filed in the Island Courts in 2019 were maintenance cases. 100% of applicants in the 158 maintenance cases are women. 3000 vatu for a maintenance case and there is currently no provision for fee waiver in the court rules. 3000 Vatu is 170% of a person's weekly income if they are living on or near the Basic Needs Income Level (see Part 3 of the 2020 PJSI Court Trend Report for more detail).

More sex disaggregated data for Vanuatu is attached at Annex C.

4. Lessons & Recommendations

Outline your key lessons and recommendations that can be considered in future activity planning.

Better linkages between the work of Technical Advisers: As mentioned in the notes above, PJSI results are to a large extent a product of the interplay and collaboration between the different thematic areas and the work of many technical advisors. One of my approaches to the court annual reporting work has been to regularly reach out through phone and email interactions with other technical advisors. One suggestion for the future could be to include quarterly discussions between the technical advisors which could simply be a 3 to 5 minute overview by each of what

has happened and what is planned and the ability to ask questions and find a way to link the ongoing work of individual technical advisors. Short but regular meetings by Zoom

The benefits of a 10 year period to reflect on outcomes: PJDP/ PJSI has worked for over a decade with Pacific Courts. In the Court Annual Reporting work, at the outset I proposed that we amend the TOR to include the 2011 Baseline Report on how all PJDP PICs were able to report on the Cook Island indicators. Thus, in 2021, there is a rare ability to review changes in the ability of courts to transparently report on their work using the Cook Island indicators over the last decade.

As I mentioned above with the example of the RMI, I have observed from reading the annual reports over the last 10 years that some jurisdictions state clearly the investments that they think are important to improve access to justice. Some courts have done this for many years in a row and finally been rewarded with the funding that they have sought. In the same way this completion report allows PJSI, technical advisers and MFAT to see the significant gains that have been made across PJSI jurisdictions over the last 10 years.

5. Conclusion

In my Foreword to the 2020 PJSI Court Trend Report I reflect that:

This represents the fifth Court Performance Trend Report updating the PJDP Court Performance Baseline Report of 2011 and presents a decade of data showing significant improvements in court annual reporting during 2011–2020.

Reflecting on the last ten 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.

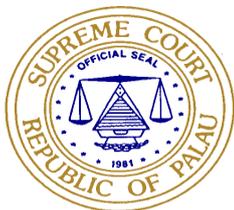
It has been such a privilege to work with PJSI and learn so much from the FCA programme officers as well as the PJSI Technical leads. The knowledge and ideas exchanged with Chief Justices, Registrars and court staff member from the PIC partner courts will be something that I will value and, hopefully share with others in the years to come.

Thank you PJSI and team!

Annexures:

- A. Most Significant Change in each Partner Court – supporting documentation, media releases, quotes etc.
- B. Global Data
- C.

Annex A: Most Significant Changes – supporting documentation



SUPREME COURT THE JUDICIARY REPUBLIC OF PALAU

Background

In 2011, the Palau Judiciary with support from the Pacific Judicial Development Programme, reviewed juvenile citation cases filed in 2010 in the Court of Common Pleas and found that 112 of 125 children (90%) were found guilty of the citation charges. 46 of these 112 children (41%) were incarcerated in the Koror jail where there were not separate facilities for children. Two thirds of these 112 children served a 24 hour sentence in the Koror jail and 25% served sentences of between 5 to 90 days.

Under the Penal Code that came into force in 2014, the court may withhold the accused person' s guilty plea and defer the court proceedings on certain conditions. Upon completion of the deferral period and compliance with the

Vanuatu Statistical Overview of the Work of the Court in 2020 – Sex disaggregated data in protection order and criminal violence cases

At the opening of the Law Year in January 2021, the Chief Justice of Vanuatu, the Hon. Vincent Lunabek presented a comprehensive picture of the work of the courts in Vanuatu. The opening of the Law Year is attended by a broad range of court partners from government ministries, other formal justice sector agencies, civil society organisations and Members of Parliament. The Chief

Justice’s speech and the statistical overview of 67 pages is accessible on the website of Judiciary of Vanuatu in the month of January:

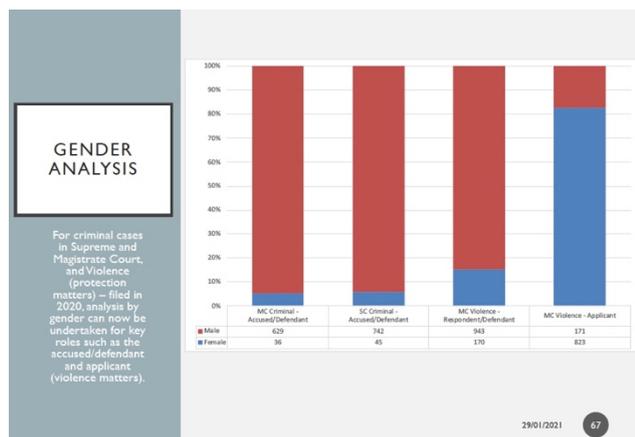
1. CJ Court Opening Speech 2021 <https://courts.gov.vu/services/downloads/category/73-the-official-court-opening-speeches>
2. 2020 Annual Statistics <https://courts.gov.vu/services/downloads/category/163-2020>

The Statistical overview presents eight years of trend data for many of the Cook Island indicators providing a sense of what is improving over time and the areas where the court is aware that more needs to be done. The Statistical Overview includes key messages and a narrative reflection on the work of the court that is then expanded in the Annual Report published a couple of months later.

The Vanuatu judiciary is able to present sex disaggregated data for criminal cases in the Supreme and Magistrates Court, and violence cases (protection orders) in the Magistrates Court.

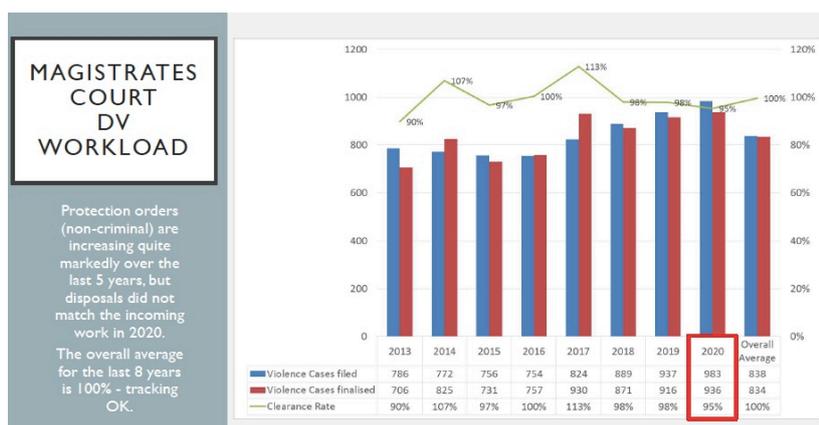
The data presented shows that:

- Violence cases are the largest single category of cases in the Magistrates Court – 983 cases registered of 2231 total cases filed (44%) in the Magistrates Court in 2020
- in the Magistrates Court, 83% of applicants in violence matters/ protection order cases filed in 2020 are women.
- In the Magistrates Court, 95% of defendants in criminal violence cases are male or 629 of the 665 defendants coming before the court in criminal violence cases filed in 2019.
- In the Supreme Court, 94% of defendants in criminal violence cases are male or 742 of the 787 defendants coming before the court in criminal violence cases filed in 2019.



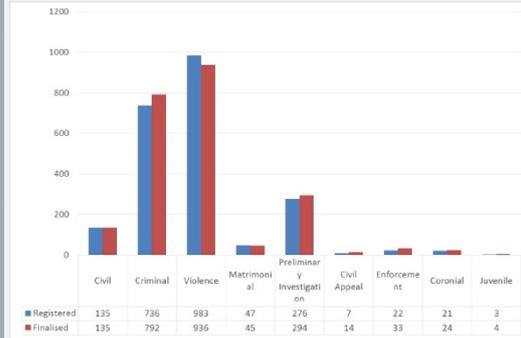
Applications for protection orders in the Magistrates Court (non-criminal) have increased from 754 cases filed in 2016 to 983 cases filed in 2019. This represents a 30% increase over the last 5 years.

Violence (protection order) cases are the largest single category of case in the Magistrates Court – 983 cases registered in 2020 of 2231 total cases filed in the Magistrates Court (44%).



MAGISTRATES COURT ALL CASE WORKLOAD 2020

Violence (protection orders) continue to be the biggest case filing type in the MC.



As the Chief Justice remarks in his opening address:

As we begin a New Legal Year, we need to pause and reflect on the workload and performances of the courts in the past legal years and look back to the good things, the bad things and the challenges Vanuatu and its people have gone through with the work of the courts, the development of the law in general and all developments in our society as to how the laws impacted on the life of our people and Vanuatu as a nation.

Our ability to reflect on the performance of the courts on a monthly, quarterly and yearly basis is a credit to the Chief Registrar and his team, and as I have mentioned in previous years, our ability to present to you, the Government and the Community, our 2020 performance analysis within the month of January is testament to the work of many.

Finally, as we reflect on the performance of cases dealt with across the four jurisdictions, we will continue to drill into more specifics such as who appears before us – their age, gender for example, as well the orders and outcomes associated with the cases.

Tonga 2019 Annual Report: Sex and Age Disaggregated Data

For the second year, the Chief Justice of Tonga presented in the Annual Report more detailed information on juvenile, protection order and criminal domestic violence cases. His Honour also took the opportunity to highlight how this sex and age disaggregated data was collected manually and that ideally this data should be able to be tracked through case management systems:

Superior Courts

As previously identified there has been an acceptance by Pacific Leaders (see Pacific Leaders Gender Equality Declaration 2012) that they should support the production of sex disaggregated data and gender analysis to inform Government policies and programs. The Courts are one source of such data. They have the ability to collect data on a range of matters which might broadly be described as sex, age and disability disaggregated data.

Unfortunately data is either not collected or is not retrievable from our Case Management System. Some disaggregated data has been manually collected and is presented below.

This data relates to criminal and divorce cases in the Supreme Court.

Magistrates Court

Some disaggregated data has been manually collected and is presented below. This data relates to juvenile (youth criminal), criminal (domestic violence) and family protection order cases in the Magistrate's Court.

It should be a priority of the Ministry of Justice to update the Case Management System so as to make it possible to collect and provide disaggregated data more easily.

In relation to protection order cases, the data presented in the Annual Report shows that

- 46% of all protection order cases are filed by the Tonga Family Protection Legal Aid Centre;
- 76% of protection order applications are made on behalf of women and 39% involve children;
- 13% of applicants had legal representation and 87% were unrepresented;
- Data on the type of domestic violence and nature of the relationship were also presented; and
- Outcomes of protection order applications:

	Granted	Refused	Withdrawn
Emergency Protection Orders (EPO) are 38% of all applications	79%	8%	13%
Temporary Protection Orders (TPO) are 56% of all applications	85%	5%	10%
Final Protection Orders are 5% of all applications	88%	12% but in all cases an EPO or TPO issued instead	

Annex B: Global data

The table below provides a date and project disaggregated overview of the number of activities that have taken place since the commencement of PJSI.

Theme	Project	July 2016 – May 2019 (Phase 1)	June 2019-June 2020 (Phase II)	July-December 2020 (reporting period)	Total	Total
Judicial Leadership¹	Regional Leadership	12	3	2	17	95
	National Leadership	5	1	1	7	
	Leadership Incentive Fund ²	33	24	14	71	
Access to Justice	Access to Justice	4	1	2	7	7
Professionalisation	Professional Development	7	0	2	9	29
	Localising Professional Capacity Building	4	4	1	9	
	Institutionalising Professional Development	7	2	2	11	
Substantive Justice	Human Rights	4	1	2	7	16
	Gender & Family Violence	6	1	2	9	
Procedural Justice	Efficiency	6	5	8	19	28
	Sustainable Development Goals	0	0	3	3	
	Accountability	5	0	1	6	
Total		93	42	40	175	

¹ Please note this figure includes the nine Initiative Executive Committee Meetings and all LIF approved applications.

² These figures list LIFs that have been approved in the respective reporting period.

Annex C: Activity data

The table below provides further details about each activity, including its title, location, date, number and gender of participants, mean satisfaction ratings and mean learning gain that the TA has worked on.

Activity	Activity Type	Location	Date	Project	# Pax	% Female	Community Consultations pax	Avg satisfaction	Avg learning gain
2017									
Accountability Visit #1	Local	Palau	21 Aug - 25 Aug	Accountability	45	62%	0	-	-
2018									
Accountability Visit #2	Local	Samoa	23 Jul - 27 Jul	Accountability	9	33%	0	-	-
Substantive / Capacity Development ToT Workshop (Topic: Data management)	Regional	PNG	26 Nov - 30 Nov	Localising Professional Capacity Building	35	60%	0	93.75%	141.00%
Regional Court Data Management Workshop Attendance (Vanuatu - CJ Lunabeck)	Local	PNG	26 Nov - 30 Nov	Leadership Incentive Fund	1	0%	0	-	-
2019									
Court Data Management Workshop: Sandy Albert	Regional	Vanuatu	14 Oct - 18 Oct	Leadership Incentive Fund	1	100%	0	-	-
PNG Task Force Team: attendance at the Court Data Management Workshop (Judge Dingake)	Regional	Vanuatu	14 Oct - 18 Oct	Leadership Incentive Fund	1	0%	0	-	-
PNG Task Force Team: attendance at the Court Data Management Workshop (Celinia Lualu)	Regional	Vanuatu	14 Oct - 18 Oct	Leadership Incentive Fund	1	0%	0	-	-
PNG Task Force Team: attendance at the Court Data Management Workshop (David Gonol)	Regional	Vanuatu	14 Oct - 18 Oct	Leadership Incentive Fund	1	100%	0	-	-
PNG Task Force Team: attendance at the Court Data Management Workshop (Doris Joseph)	Regional	Vanuatu	14 Oct - 18 Oct	Leadership Incentive Fund	1	100%	0	-	-
PNG Task Force Team: attendance at the Court Data Management Workshop (Theresa Hani)	Regional	Vanuatu	14 Oct - 18 Oct	Leadership Incentive Fund	1	100%	0	-	-

Court Data Management Workshop	Regional	Vanuatu	14 Oct - 18 Oct	Efficiency	42	60%	0	95.73%	95.00%
Annual Court Reporting Workshop - Niue	Local	Vanuatu	19 Oct - 19 Oct	Leadership Incentive Fund	4	50%	0	-	-
Court Data Management Follow-up Webinar	Remote - Regional	Remote	28 Nov - 28 Nov	Localising Professional Capacity Building	31	61%	0	75.00%	-
2020									
Solomon Islands: Improving Court Transparency through timely Court Annual Reports	Remote - Local	Remote	1 Jun - 1 Jul	Leadership Incentive Fund	13	54%	0	94.00%	-
Accountability Visit #1 - PNG	Remote - Local	PNG	2 Dec - 15 Dec	Accountability	15	33%	0	-	-
2021									
2021 Court Reporting Webinar	Remote - Regional	Remote	4 Feb - 4 Feb	Accountability	44	55%	0	90.00%	-