



# PACIFIC JUDICIAL DEVELOPMENT PROGRAMME

## PJDP Phase 2: Fourth Six-monthly Progress Report

*Milestone Forty-two*

1 January - 30 June, 2014



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## ABBREVIATIONS AND ACRONYMS

CJ	-	Chief Justice
FCA	-	Federal Court of Australia
FSM	-	Federated States of Micronesia
FV / YJ	-	Family Violence / Youth Justice Awareness Project
IFCE	-	International Framework for Court Excellence
IT	-	Information Technology
ITOF	-	Information Technology Online Forum
LOV	-	Letter of Variation
MFAT	-	New Zealand Ministry of Foreign Affairs and Trade
MSC	-	Managing Services Contractor - Federal Court of Australia
NC	-	National Coordinators
NJDC	-	National Judicial Development Committee
PacLII	-	Pacific Islands Legal Information Institute
PEC	-	Programme Executive Committee
PIC	-	Pacific Island Country
PJDP	-	Pacific Judicial Development Programme
PNG	-	Papua New Guinea
PPDVP	-	Pacific Prevention of Domestic Violence Program
RF	-	Responsive Fund
RTT	-	Regional Training Team
TA	-	Technical Assistance
ToT	-	Training-of-Trainers Workshop



## 1.0 INTRODUCTION

This report provides a summary of progress made under the Pacific Judicial Development Programme (PJDP) during the period 1 January to 30 June, 2014. The report is submitted in satisfaction of Milestone 42 defined in the contract between the New Zealand Ministry of Foreign Affairs and Trade (MFAT) and the Federal Court of Australia (FCA). During the reporting period Letter of Variation No. 12 (signed 13 February 2014) and No. 13 (signed 2 June 2014) have been agreed to between MFAT and the FCA.

## 2.0 SUMMARY OF ACTIVITIES AND ACHIEVEMENTS: JANUARY - JUNE 2014

As PJDP approaches the mid-way point of the 24-month Extension Plan, all approved projects are in the process of being implemented, with the National Judicial Development Committee Project having been completed. During the reporting period, twelve substantive activities were undertaken, eight Responsive Fund activities were delivered, with a further 4 activities currently being implemented. ***Active engagement with the region's judicial leadership at the Chief Justice-level also continued. Implementation of the 24-month Extension Plan is fully on track to deliver activities in-line with the schedule approved at the PEC and Chief Justices' meetings in Auckland in March 2014, on-time and within budget.***

Since the beginning of January 2014, seven additional draft toolkits have been developed, these are the: Delay Reduction Toolkit; Enabling Rights Toolkit; Trainers' Toolkit; Project Management Toolkit; Complaints Handling Toolkit; Local Decision Making Toolkit; and Local Orientation Toolkit. Two of these both the Trainers' and Local Orientation Toolkits have now been piloted, with piloting of the remaining draft toolkits either in progress or planned. The original six toolkits launched in June 2013 are being reviewed and refined.

Further details of active PJDP projects are provided below.<sup>1</sup>

### 2.1 COMPONENT ONE: ACCESS TO JUSTICE

#### 2.1.1 Family Violence / Youth Justice Awareness Project

- **Status:** The third Family Violence / Youth Justice (FV / YJ) Workshop in the Cook Islands and second follow-up visit in Tonga were successfully completed, and the FV / JY Toolkit was updated in light of the ongoing implementation experience.
- **Summary of progress:** since the last periodic report, the *Tonga Follow-up Visit* was undertaken on 28-29 April, 2014. With the Family Protection Act 2013 soon to be introduced in Tonga, the purpose of the visit was to see whether stakeholders felt that training was adequate and whether there was reasonable confidence in the new family violence legislation. The visit consisted of a series of individual consultations as well as a follow-up workshop for 21 participants who had participated in the first in-country visit. This workshop enabled agencies to discuss: the 'aspirations document' developed during the first in-country visit; share information on what training they are conducting on the new legislation; what they need to do to connect well with other agencies; and what progress had been made and how participants viewed 'the way forward'.

*"This workshop seriously ensures to all participants (and stakeholders) that the implementation of the Family Act is a critical step for Tonga."*

Participant feedback from Tonga  
Follow-up Visit

Formal feedback received indicated a high level of overall satisfaction with the workshop at over 86%, while the combined effectiveness of the facilitators, the content, and the workshop was ranked at almost 92%.

<sup>1</sup> Note: the project summaries in the following discussion are listed in the order in which they are numbered in the head contract between MFAT and the Federal Court of Australia (as amended).



- **Next Steps:** Further FV / YJ Workshops are scheduled for the Solomon Islands in August and Niue in December, 2014. Follow-up visits for Palau, Cook Islands, and Solomon Islands are scheduled for later in the year.

### 2.1.2 Enabling Rights Project

- **Status:** An initial scoping visit was undertaken in Kiribati to inform the draft *Enabling Rights Toolkit*.
- **Summary of progress:** The purpose of the Project is to improve the responsiveness of courts to address the needs of marginalised beneficiaries. From 18-26 May, 2014, the Enabling Rights Adviser Dr Livingston Armytage undertook the first of two in-country visits to Kiribati. The purpose of this initial visit was to introduce the Project to local stakeholders and undertake a needs assessment of the situation of Unrepresented Litigants, as well as to prepare for the further development of the draft *Enabling Rights Toolkit*. During the one week visit: in-depth interviews were conducted with a total of 39 respondents including the Chief Justice, judicial and court officers, and representatives of the Ministry for Women, Youth and Social Affairs, Kiribati Law Society Bursar and members of the community; proceedings in the, Bikenibeu (South Tarawa) Magistrates Court were observed; a community meeting was conducted at Buariki (North Tarawa); (available) court statistics were analysed; and the Men's Prison was visited on Besio (South Tarawa). The findings from the interviews and observations will inform the further development of the Toolkit in terms of its audience, purpose, and content.
- **Next Steps:** The draft *Enabling Rights Toolkit* will be revised and further developed. A second visit to Kiribati is scheduled for early November 2014 to pilot the Toolkit.

### 2.1.3 Public Information Project

- **Status:** An initial visit to Tuvalu was successfully undertaken to commence piloting of the draft *Public Information Toolkit*.
- **Summary of progress:** The Public Information Adviser, Ms Kerin Pillans visited Funafuti, Tuvalu from 9-27 June, 2014 to introduce the Project to local stakeholders and gather information to inform the draft *Public Information Toolkit*. During the visit, consultations with the judiciary as well as broader engagement and consultation with a wide range of justice sector and community representatives. Further to these consultations, 5 public information needs areas were identified and small working groups of interested local judicial and court officers were established to further develop ideas and relevant information on these topics. A total of 30 participants were involved across 3 workshops (Land and Island Court Magistrates) and 13 consultations / interviews were undertaken, including with the MFAT Development Programme Coordinator, Director and Registrar of the Lands Court and Senior Magistrate.
- **Next Steps:** A follow-up visit to Tuvalu is proposed and will take place after the appointment of a new Resident Magistrate in Funafuti (the visit is tentatively scheduled for early-2015).

## 2.2 COMPONENT TWO: GOVERNANCE AND LEADERSHIP

### 2.2.1 Codes of Judicial Conduct Project

- **Status:** A draft *Complaints Handling Toolkit* has been developed.
- **Summary of progress:** At the Eighth PEC Meeting in Auckland, March 2014 the 'Additional Activity' *Complaints Handling Pilot Project* was approved for implementation. This Project has been formally approved by MFAT under Letter of Variation 12, and will now be undertaken in Vanuatu. Additionally, the Tuvalu Code of Judicial Conduct was also updated and distributed to local magistrates in conjunction with the Adviser's visit to Funafuti under the Public Information Project.



- **Next Steps:** The Code of Judicial Conduct Adviser, Ms Kerin Pillans is scheduled to visit Vanuatu from 30 June-18 July 2014 to pilot the draft *Complaints Handling Toolkit*.

## 2.2.2 Regional Governance and Leadership Meetings

- **Status:** During the reporting period two regional governance and leadership meetings were conducted in Auckland.
- **Summary of progress:** The Eighth PJDP Phase 2 PEC Meeting and the Sixth Chief Justices' Leadership Workshop were both held in Auckland in March 2014. Please refer to the Eighth Quarterly Progress Report for further details.
- **Next Steps:** The Ninth PJDP Phase 2 PEC Meeting (23-25 October, 2014) and the Sixth National Coordinators' Leadership Workshop (20-22 October, 2014) are both scheduled to be held in Rarotonga, Cook Islands. Travel and logistical arrangements are currently underway for both activities.

## 2.2.3 Responsive Fund Mechanism

- **Status:** Since the commencement of the 24-month Extension Plan on 1 July 2013, 19 Responsive Fund applications have been approved, with a total of 15 activities completed. The majority of funds approved have been allocated or spent. As a result, no new applications can be supported at this time.
- **Summary of progress:** During the reporting period a total of six applications were received. Five applications have been approved with the approval process for the 1 remaining application still under way. Approved applications include: Island Court Justices Orientation Training in Sola (Vanuatu); a Judicial Administration Workshop on Time Standards (Federated States of Micronesia); a Judgment Writing Workshop for Magistrates and Island Court Judges (Vanuatu); and Support to attend the 19<sup>th</sup> Meeting of the South Pacific Council of Youth and Children's Courts (Cook Islands).
- **Next Steps:** The PJDP Team will continue to provide support for all ongoing activities, as required.

*"In October last year, I reported to you that despite our efforts in mediation, we had not seen the fruits of our efforts. I am happy to report that Chuan's second trip here has been a game changer. I want to thank you and the PJDP for helping us launch a court-annex mediation program."*

*Chief Justice Arthur Ngiraklsong, Palau*

## 2.2.4 National Judicial Development Committee Project

- **Status:** The approved *National Judicial Development Committee (NJDC) Toolkit* Project has successfully been implemented in the Cook Islands in this period.
- **Summary of progress:** From 26-30 May, 2014, the NJDC Adviser, Mr Christopher Roper worked with the Cook Islands NJDC to implement the Toolkit and develop their first Professional Development Plan. Several meetings with the NJDC were undertaken to introduce the Toolkit, identify development needs, brainstorm ideas and categorise the responses to inform the drafting of the Professional Development Plan. The Plan references the Cook Islands Bench Book for further detail. Discussions resulted in amendments being made to the Bench Book and procedures set in place for regular updates to be made and communicated to the NJDC and Ministry of Justice.  
The Toolkit was amended in line with lessons learnt during implementation in the Cook Islands. All inputs under this activity are now complete.
- **Outcomes:** The *NJDC Toolkit* has been further refined in light of the implementation experience in the Cook Islands, and will shortly be made available to all PJDP Pacific Island Countries through the PJDP website. The input strengthened the capability of the Cook Islands NJDC to strategically plan and implement the ongoing professional development activities for Justice of the Peace.



### 2.2.5 Project Management Toolkit

- **Status:** A draft *Project Management Toolkit* has been developed in preparation for piloting.
- **Summary of progress:** This toolkit has been developed as a practical resource for PJDP partner courts to become more self-reliant in leading, developing, conducting, monitoring, and reporting on projects for which they are responsible. The toolkit explains key processes involved in managing projects and provides a range of adaptable tools so that those managing and administering ongoing judicial and court development within the PJDP's partner courts can have greater confidence in undertaking their responsibilities.
- **Next Steps:** The *Project Management Toolkit* will be piloted in one partner court. No partner court has as yet been identified in which to pilot this toolkit; however, based on the *Additional In-PIC Activity Priorities* approved by the PEC in March, both PNG and Tuvalu have indicated interest as 'pilot courts'. Discussions will be undertaken with both courts in coming months.

## 2.3 COMPONENT THREE: SYSTEMS AND PROCESSES

### 2.3.1 Judicial Administration Project

- **Status:** Inputs in the Marshall Islands, Federated States of Micronesia, and Samoa have been successfully conducted under the Time Standards Project. Development and piloting of the *Backlog Reduction and Delay Prevention Toolkit* has commenced with a second visit being undertaken to Vanuatu. The Information Technology Online Forum (ITOF) has also been developed, tested and launched.
- **Summary of progress:** during the reporting period the following progress has been made:
  - **Time Standards Toolkit Implementation:** The *Time Standards Toolkit* was implemented in: the Marshall Islands (14 April-8 May, 2014); Federated States of Micronesia (7-27 May, 2014); and Samoa (16 June-4 July, 2014).
    - a. In the Marshall Islands workshops were conducted to inform participants about timeliness obligations in managing cases and to develop 16 time goals for the High Court, District Court and Traditional Rights Court. A delay reduction plan was also agreed for the Traditional Rights Court, with an adjournment policy, new pre-trial conference notice, and actions taken to develop more efficient pre-trial and calendaring of proceedings. Delay in the District Court was identified and initiatives to reduce delay agreed including a review by the Attorney General of police citations. Further the entire caseload of the High Court was reviewed and action has commenced to eliminate areas of delay. Acceptance was high and improvements have already been commenced in some areas.
    - b. In FSM significant progress was achieved in promulgating time goals for criminal and civil case types, including land matters, for all State Supreme Courts. Draft time standards for all courts were promulgated and all judges and court personnel trained. As a result of these workshops, the courts experiencing delay are reported to be undergoing a vigorous effort to identify delayed cases and to dispose of them. Agreement was reached among all state and national courts to produce annual reports in line with the 15 Cook Island Indicators. Co-ordination between the national and state judiciaries therefore has been improved.
    - c. In Samoa time goals have been promulgated for the Supreme and District Court and initial stakeholder workshops concluded. Work is progressing with the Land and Titles Court of Samoa to train all lay justices and court personnel in the court. Addressing areas of delay identified in the Land and Titles Court has commenced using time goals.
  - **Backlog Reduction and Delay Prevention Pilot and Toolkit:** A second visit to Vanuatu to further develop and continue piloting of the *Backlog Reduction and Delay Prevention Toolkit* was undertaken from 9-13 June, 2014. The input allowed for further consultations and engagement



with the Vanuatu Judiciary and additional refinements to the Toolkit. Progress of the court in the reduction of its backlog was reviewed. Since November 2013 a decrease in the backlog of 23% has been achieved. This includes a reduction of 11 cases older than 10 years and more than 18 reserved judgments. Strategies for the continuation of backlog reduction were agreed and staff were trained in delay reduction and case management.

- **IT Administrator's Network:** aims to facilitate interaction between court personnel working or interested in information technology across all 14 PJDP PICs. Appropriate software has been sourced and tested. The online forum uses *Invision Power Board* as its internet-based platform. The forum's structure has been developed, and nominations received from 9 partner courts. The Forum was official launched on 10 June, 2014.

Members of the ITOF can interactively help each other continuously improve IT in their courts through the sharing of knowledge, ideas, information, experiences and solutions. Users also have access to the Federal Courts IT experts who monitor and where appropriate, respond to questions raised in the Forum daily.

*"I am very excited that this forum is now being implemented and look forward in participating, sharing and receiving of information that may improve our courts in the Pacific."*

Email feedback from ITOF Participant

- **Next Steps:** The *Time Standards Toolkit* is scheduled to be further implemented in the Solomon Islands in late September 2014. The *Delay Reduction Toolkit* is scheduled to be implemented in Kiribati in November 2014, with a final visit to Vanuatu to occur in February 2015. The PJDP is continuing to identify suitable individuals from all PJDP partner courts to participate in the ITOF, with discussions in the forum to be closely monitored and supported by the PJDP Team on an ongoing basis.

### 2.3.2 Court Annual Reporting Project

- **Status:** All court annual reports for those partner courts receiving support under this project have now been finalised.
- **Summary of progress:** The Court Annual Reporting Adviser, Ms Cate Sumner continued to provide extensive remote support to the courts in FSM, Palau, Niue, PNG, Tonga and Vanuatu to finalise their Annual Reports in this reporting period.
- **Next Steps:** The *Regional Court Reporting Toolkit* will be reviewed and amended in line with lessons learnt. The Adviser will begin consultations with key counterparts and stakeholders in partner courts to collect and collate a fourth year of court performance data to develop the planned 'Trend Report'.

## 2.4 COMPONENT FOUR: PROFESSIONAL DEVELOPMENT

### 2.4.1 Core Judicial Development Project

- **Status:** The Lay and Law-trained Decision Making Workshop/s were successfully delivered in Vanuatu, with a two-day Regional Training Team (RTT) refresher workshop held prior (please refer to the Eighth Quarterly Progress Report for further details on these activities).  
In addition: the *Local Orientation Course Toolkit* was developed and piloted; and the draft *Local Decision Making Toolkit* was developed.
- **Summary of progress:** since the last periodic report the *Local Orientation Course Toolkit* was developed and piloted in FSM from 2-13 June, 2014. A three day Trainer-the-Trainer (ToT) workshop was facilitated by the Lead Training Adviser, Dr Livingston Armytage for eight local trainers / facilitators. The five day Orientation Training was then held, with all training sessions being facilitated



by personnel from the FSM National Supreme and State Courts. A total of 21 participants attended, including Chief Justices' and Associate Justices'.

- **Next Steps:** The *Local Orientation Course Toolkit* will be further refined and is scheduled to be piloted in Tokelau in late August, 2014. A Regional Lay Judicial Officer Orientation/Refresher Workshop is scheduled to be held in the Solomon Islands from 7-12 July, 2014. The *Local Decision Making Toolkit* will be piloted in the Marshall Islands from 1-4 September 2014, and preparations for this are proceeding.

## 2.5 COMPONENT FIVE: PROGRAMME MANAGEMENT

### 2.5.1 Management and Administrative Arrangements

During the reporting period two fiscally neutral Letter of Variations were agreed to by MFAT and the FCA:

- Letter of Variation No. 12 (signed 13 February, 2014) included the: piloting of the *Complaints Handling Processes Toolkit*; development and piloting of a *Project Management Toolkit*; an increase of the Responsive Fund allocation; and relocation of three additional days to the Training and Contextual Expert.
- Letter of Variation No. 13 (signed 2 June, 2014): added the implementation of the Local Orientation Course Toolkit in FSM.

All requisite milestone events were achieved, and all invoices submitted in accordance with the agreed timeframes. A list of milestone reports and submission dates during the report period is found in **Annex Two**. Furthermore, a self-assessment against the contractually defined management quality indicators is found in **Annex Five**.

### 2.5.2 Financial Summary

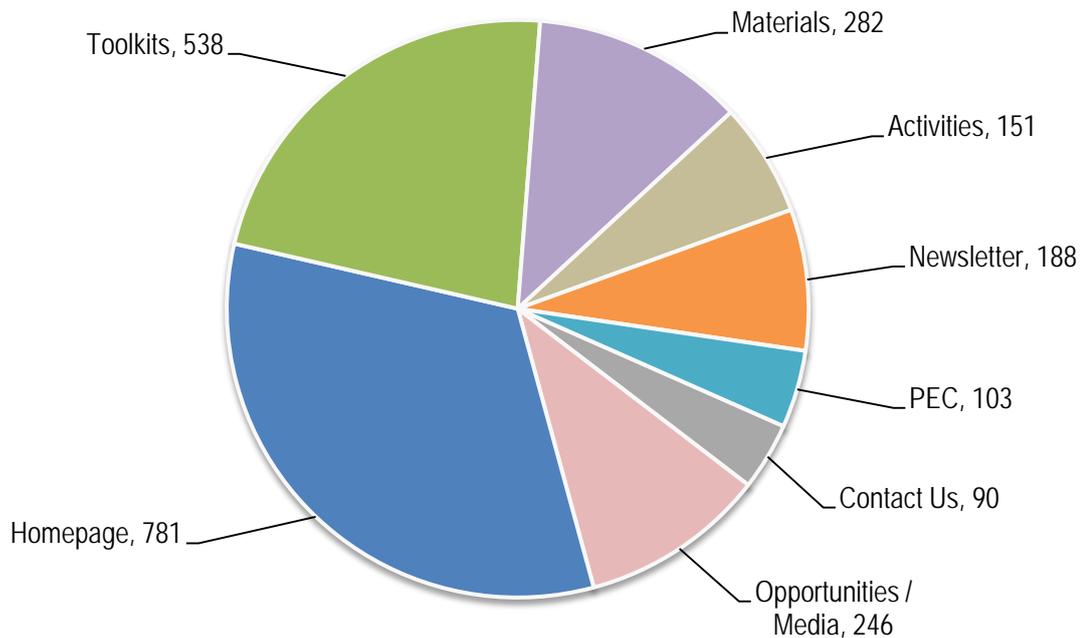
To 31 May, 2014, a total of 39.88% of the approved budget for the 24-month extension period has been expanded.

A full acquittal of expenditure for the financial year will be submitted to MFAT as part of the next invoice, scheduled for submission in late-July. This will bring the total *expected expenditure* for the first 12 months of the 24-month extension period to 52.90% of the approved budget. This level of expected expenditure at the end of financial year 2013 / 2014 is approximately 4.8% over the expenditure projections approved by MFAT in November 2013. This accelerated expenditure is in accordance with MFAT's direction that the MSC should aim to exceed projected expenditure targets if possible. A breakdown of actual expenditure to-date, and projected expenditure for the remaining contract period, is found in **Annex Three**.

### 2.5.3 Counterpart Communications

Issue eight of the PJDP Newsletter was developed and sent out to PIC counterparts and implementation partners in the Pacific, Australia, New Zealand and beyond. A copy is also available on the PJDP website (<http://www.fedcourt.gov.au/pjdp/newsletters>). In addition, periodic informal email communications and updates were sent to the PEC, Chief Justices, and National Coordinators on a range of programmatic and technical matters. As requested at the PEC Meeting in March 2014 all approved progress reports have been uploaded on the PJDP website, with other newly developed materials and resources and general web-site maintenance also being undertaken.

During the six-month reporting period the PJDP website recorded a total of 2,379 'views'. There was a notable increase in website traffic when PJDP Advisers were in-country delivering bilateral activities. A breakdown per web page is provided below:



#### 2.5.4 External Links

The PJDP worked closely with a number of organisations and other programs in the region to maximise benefits and to avoid duplication of services.<sup>2</sup> Key organisations with which interaction was undertaken during this period, included:

- *New Zealand and Australian Courts*: Judicial expertise has been provided by both countries to the Regional Decision-Making Workshop; Information Technology Online Forum and Responsive Fund Activities: Drug and Alcohol Court Workshop (Samoa) and Mentoring of Justice of the Peace and Court Staff Activity (Cook Islands). The collaboration and participation will continue to be maximised during the remaining 24-month Extension Plan.
- *Pacific Judicial Conference*: links arising from this conference included liaison and further engagement with: Chief Justice Dame Sian Elias (Chief Justices of New Zealand); Justice Winkelmann (Chief Judge of the New Zealand High Court); Justice Susan Kiefel (Justice of the High Court of Australia); Chief Justice Marilyn Warren (Chief Justice of the Supreme Court of Victoria); Chief Justice Diana Bryant (Chief Justice of the Family Court of Australia); and Judges from the United States Courts for the 9<sup>th</sup> Circuit, among others.
- *Pacific Prevention of Domestic Violence Program (PPDVP)*: Has been actively involved in relevant sessions of the recent Family Violence and Youth Justice Workshop conducted in Rarotonga, Cook Islands in February 2014. New Zealand Police and the High Court of the Cook Islands further supported the successful delivery of the FV YJ Workshop.
- *PacLII*: Continues to disseminate PJDP information and materials and promote, through PJDP Advisers, interest by PJDP partner courts in submitting judgments.

#### 2.5.5 Internal Links

The Programme continues to foster synergy between various projects and activities to strengthen relevance and sustainability. The following links were fostered between the PJDP's various activities:

<sup>2</sup> A summary of Additional, Un-costed, and Pro Bono Support Mobilised by the Federal Court of Australia for the PJDP over the period January - June 2014 included as **Annex Four**.



- The Judicial Administration Project and the Court Annual Reporting Project, through the Responsive Fund delivered a workshop on Time Standards and Court Annual Reporting in FSM resulting in both state and national courts adopting time standards and endeavouring to report against the 15 Cook Islands Indicators.
- The Judicial Administration Project and the Responsive Fund coordinating support on the implementation of the International Framework for Court Excellence (IFCE) in the Marshall Islands and the incorporation of the IFCE into the High Court's *Court Improvement Plan*.
- Incorporation of detailed discussions on family violence (in particular the Family Violence Act) as part of the piloting of the *Local Orientation Training Toolkit* in FSM.
- The Enabling Rights Toolkit and the Public Information Projects to develop a coordinated response to court engagement with end-users.
- Links between various toolkits, in particular the:
  - *Local Orientation Training* and the *Trainer's Toolkits*;
  - *NJDC Professional Development, Trainer's, and Project Management Toolkits*; and
  - *Codes of Judicial Conduct* and *Complaints Handling Toolkits*.

### 3.0 BREAKDOWN OF PARTICIPANTS SUPPORTED BY THE PJDP

From 12 months since the commencement of the 24-month extension period a total of 546 participants<sup>3</sup> have been involved in PJDP activities or received the support of the programme, broken down as follows:

Activity	Judicial Officers	Court Officers	Other Roles	Total No. of Participants
Governance & Leadership Activities:	43	7	-	50
Regional Training:	40	32	0	72
In-country (bilateral + RF):	172	103	122	397
RTT / Local Trainers as Co-facilitators:	15	12	0	27
<b>TOTAL FY 2013/2014:</b>				<b>546</b>

Of the 546 participants, 177 (or 32.4%) were female. Furthermore, this support equates to approximately 1,670 participation days during financial year 2013 / 2014.

### 4.0 CROSS-CUTTING ISSUES

PJDP adopts a holistic justice-focussed approach to concepts of human rights, gender equity and sustainability as these concepts underpin the services that judiciaries provide.

**Gender equity and equality** issues are incorporated into the design of all training activities. Selected examples include:

- The *Enabling Rights Toolkit* being developed while focussing on unrepresented litigants will include practical guidelines for magistrates and court clerks on how to treat - and orally advise - unrepresented litigants, and will provide example(s) which highlight domestic violence cases, among others.

<sup>3</sup> Figures calculated as at 15 June, 2014.



- In implementing the *Time Standards Toolkit* crimes of violence in domestic situations are highlighted and goals agreed on with partner courts in recognition of the generally unacceptable levels of domestic violence against women in the Pacific Region. Specific time goals and processes relating family and matters of personal status - often affecting women - have also been developed by partner courts during implementation.
- The draft *Project Management Toolkit* also addresses 'cross-cutting issues' as part of the project design and implementation processes so that these concepts are better embedded in locally led activities in the future.
- The *Family Violence and Youth Justice Project* held included the participation of women's support groups and women victim's advocates who inform on the impact of violence on women. In addition, PJDP is continuing to develop its relationship with the PPDVP and highlight their involvement in the Programme to highlight gender issues and raise awareness of domestic violence in the Pacific. Finally, in this period women represented over 32.4% of all participants across all regional, in-country/bilateral and RF activities.

Concepts relating to **human rights** are focussed upon in all PJDP activities, with training courses incorporating sessions, discussions and/or exercises on: people with legal disabilities; juvenile justice; management of the court room in cases where there were juveniles or children; the relationship between customary law and common law; discussion of the nature of the rule of law; and the use of appropriate language in decision-making. The focus of the *Enabling Rights Toolkit* on unrepresented litigants is also a key strategy in supporting human rights. This toolkit will be a valuable resource to counterparts, and will enable better access to justice for citizens even if they are unable to afford legal representation. In implementing the *Time Standards Toolkit*, workshops have been held in partner courts on the right to a fair trial in a reasonable time referring to international human rights instruments and local frameworks. Additionally, time goals for habeas corpus have been developed.

Furthermore, a key criterion for the approval of all accepted Responsive Fund activities was also a clear definition of how human rights issues were being addressed by the proposed activity. The Family Violence and Youth Justice Workshop in the Cook Islands proposed the concept design for a new Youth Court in Rarotonga to ensure that young offenders are now represented and that they have better access to their families, to their communities and other support networks.

**Sustainability** considerations are at the forefront of the development and piloting of the Programme's toolkits. Aiming to support partner courts in the local implementation of their judicial and court development activities, an additional 7 toolkits (a total of 13 will be available at the end of the PJDP) have been or are in the process of being developed and piloted during this reporting period.

Furthermore, the practical outcomes of the PJDP's strategy to devolve responsibility to the local level is illustrated by 27 RTT members and National Trainers facilitating / presenting at both regional and in-country activities in the past 12 months. This active involvement of non-adviser technical resources included:

- leading the training at the first locally delivered Orientation Training in Pohnpei, FSM;
- co-facilitating sessions at the two Regional Decision Making Workshops in Port Vila, Vanuatu; Family Violence and Youth Justice Workshops/Follow-up Visits in Tonga and the Cook Islands; and
- deliver of Responsive Fund activities in the Cook Islands, FSM, Kiribati, Marshall Islands, Palau, Samoa and Tonga.

## 5.0 EMERGING RISKS

The Programme's risk management matrix continues to be reviewed periodically. No new risks have been



identified since last update in January 2014. The full, updated, risk matrix for the 24-month extension period is detailed in **Annex Six**.

As part of the MSC's commitment to continuous improvement in its systems and processes the Risk Management Strategy has been reviewed, updated and adapted into a user friendly resource for travelling in-country personnel. The Travel Risk Management Plan is compact and provides immediate guidance on the management of risks as they arise.

## 6.0 LESSONS LEARNT

As part of the MSC's commitment to continuous improvement, a comprehensive analysis of lessons learned from implementing PJDP was developed and submitted in satisfaction of Milestone 22(b). These lessons have been continuously reviewed as part of the 24-month Extension Plan design process and again in developing this progress report, and are considered to remain valid and current.

## 7.0 CONCLUSION

At the half-way point in the 24-month extension period, implementation of all approved projects, as well as of three additional activities, has commenced and is progressing according to the schedule discussed and approved at the PEC meeting and Chief Justices' Leadership Workshop in March.

The PJDP Team is grateful for the ongoing direction and support of the region's leadership in leading and guiding these activities. Without this high-level support, it would not be possible for the PJDP Team to implement the Programme.



## **ANNEXES**

Annex One: Progress Against Approved Monitoring and Evaluation Framework - at 30 June 2014

Annex Two: Milestone Reports and Submission Dates

Annex Three: Financial Summary as at 31 May, 2014

Annex Four: Summary of Additional, Un-costed, and Pro Bono Support Mobilised by the FCA for PJDP (1 January-30 June 2014)

Annex Five: Self-assessment Against the Quality Indicators in the Contract

Annex Six: Risk Analysis and Management



ANNEX ONE - PROGRESS AGAINST APPROVED MONITORING AND EVALUATION FRAMEWORK - AT 30 JUNE 2014

24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
<b>Programme Goal: Strengthened governance and rule of law in Pacific Island Countries through enhanced access to justice and professional judicial officers who act independently according to legal principles.</b>							
All PICs report a continuing positive trend in court performance, transparently accounting for performance and routinely using performance data to forward plan.	All PICs have court and judicial performance feedback from court users and demonstrate a positive trend in internal court performance data.	PICs have: no common set of indicators to assess court performance or performance enhancement models to transpose, no regional governance mechanisms to institutionalise judicial development or manage internal governance / ethics, an unquantified number of marginalised prospective court users and a significant number of lay judicial officers.	PICs have qualitatively and quantitatively assessed and provided court performance data for the second year.	PICs provide year two and four court performance data.	Perceptions of quality, professionalism, accessibility, efficiency and reliability of judicial services.	PIC courts and court users' surveys.	TA
			Tools have been disseminated to all PICs, and further revision of these is underway, to assist the PICs in the process of assessing and reporting on court performance, as well as developing codes of judicial conduct, including the management of internal governance/ethics.	Courts aware of what court users' needs are.			
			Judicial and court officers in all PICs have, and are continuing to receive training in a broad range of legal and procedural areas according to their individual needs, and the needs of their court. RTT members are continuously engaged in designing, facilitating and/or co-facilitating local and regional	Participating PICs have qualitatively and quantitatively assessed court performance and judicial development and participated in self-improvement activities to strengthen governance, access to justice, judicial administration and professionalism.	Evidence of progress against judicial development and court performance goals in each PIC.	Statistical data collected by PIC courts.  Needs Assessment survey / regional discussions at CJ/ NC meetings.	MSC



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
			training activities.				
<b>Programme Purpose: To support PICs to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use.</b>							
PICs are independently implementing tools and methodologies for continued self-improvement, with results shared between the region's Chief Justices.	PICs have tools and methodologies to continue self-improvement and preliminary results are presented to the PEC.	PICs have: no common set of indicators to assess court performance or performance enhancement models to transpose, no regional governance mechanisms to institutionalise judicial development or manage internal governance / ethics, an unquantified number of marginalised prospective court users and a significant number of lay judicial officers.	Pilot PICs are, with some assistance, implementing and practicing the use of tools and methodologies, and independent implementation of these tools is yet to be realised.	Pilot PICs are developing, implementing or practising the use of tools and methodologies to continue self-improvement efforts.	Quality/perceptions of benefit of: 1. PIC court coordinating with informal justice systems. 2. Communication and sharing of experience with other PICs through PJDP activities. 3. Judicial conduct structures. 4. Performance monitoring and programming actions to improve performance. 5. Case process re-engineering and documentation of process. 6. Planning and delivery by local actors of needs-based training and provision of resources.	Stakeholders' surveys / interviews conducted by NCs.	MSC
<b>1.0 Access to Justice</b>							
Up to two PICs better addressing broader justice needs, and up	Preliminary results in at least one PIC about: strengthened	Inadequate data about informal justice service providers	Four PICs have been recipients of workshops and/or monitoring	Access to Justice Plan developed in selected PICs (based	Number and quality of Access to Justice Plans; quality of toolkit and	Access to Justice Plan.	TA



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
to five PICs responding more competently to family/ juvenile justice issues	planning for improving accessibility of justice and improved competence to manage family/ juvenile cases	(and low levels of know-how) to enable judicial leadership to assess, plan and direct an integrated process of in/formal justice services. There is disharmony between in/formal justice systems in the region  2012 Baseline: Judicial officers are not aware of and/ or not appropriately responding to family violence and juvenile justice issues which are pervasive across the region. A poor response to these issues undermines appropriate access to justice for vulnerable groups	visits to improve their competence to respond to family/juvenile issues.  Implementation of activities in two PICs was undertaken to address priority issues and broader justice needs - in one PIC through the Enabling Rights Project and in one PIC through the Public Information Project.	on demand via the Responsive Fund) enabling the integration of justice services; improved competence to respond to family / juvenile issues and other priority issues and improvements in public awareness of rights/remedies and in judicial responses to priority justice needs.	number of PICs it is implemented in; perceived improvements in competence to respond to family violence, youth justice and other priority justice needs.		
<b>1.1 Access to Justice (formerly Customary Dispute Resolution) Project</b>							
To support selected PICs to systematically address community dispute resolution needs.	One integrated in/formal justice system planning workshop conducted using	No evidence-based strategy exists to integrate in/formal justice systems in the region.	Further activities under the Access to Justice Project will be implemented at the request of an individual PIC via the Responsive	The <i>Regional Access to Justice Planning Toolkit</i> implemented in interested PICs using the Responsive	Quality of Access to Justice Plan particularly their incorporation of community dispute resolution needs.	Access to Justice Plans / RF reports.	TA



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
	preliminary research data and providing technical inputs into integrated planning.		Fund mechanism, and ongoing support given to the pilot PIC (Tuvalu) to implement the toolkit (as requested).	Fund mechanism enabling Access to Justice Plans to be developed and implemented.	Number of PICs the Toolkit is implemented to.		
<b>1.2 Enabling Rights Project</b>							
Claim(s) of previously unmet legal needs are brought to, and resolved by, the courts in at least one PIC.	NA	Baseline 2013: courts do not promote equal access to or focus on being responsive to the needs of the citizens they serve. As a result, there is a plethora of unmet justice needs within the community.	The first of two in-country visits was undertaken (Kiribati) to assess the needs of the Judiciary; legal sector and community at large.	A methodology enabling those seeking justice to access available remedies is developed, piloted and adopted in one PIC.	Quality of toolkit for promoting justice for beneficiaries.	Toolkit and TA/PIC reports.	TA/PIC
					Percentage increase in claims made to courts for remedies focussed on during the pilot.		
<b>1.3 Family Violence and Juvenile Justice Project</b>							
Up to five PICs responding as a sector, more holistically and competently to family/juvenile justice issues.	Improvements in competence to manage family/juvenile issues in two PICs.	2012 Baseline: Judicial and court officers are not aware of and/or not appropriately responding to family violence and juvenile justice issues which are pervasive across the region and the poor responses to	Workshops have been held in three PICs to improve their competence and response to family/juvenile justice issues. Two PICs received a monitoring visit to follow-up on and further strengthen competence to deal with these issues.  48 participants attended a workshop in Tonga; 42	Improvements in awareness, knowledge, skills, attitudes relating to relevant issues, law, contemporary practice and procedure in up to two additional PICs and increased cooperation, coordination and	Number of judicial officers trained and quality of training, including relevance, usefulness, skills and knowledge gained.	Pre/post-workshop participant self-assessments.	TA



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
		these issues undermines appropriate access to justice for vulnerable groups.	participants attended in Samoa; and 45 participants attend in the Cook Islands. All workshop participants reported an increase in confidence and demonstrated improvements in awareness, knowledge, skills and attitudes related to the relevant issues, law, contemporary practice and procedure. Workshops produced a compilation of objectives that organisations in attendance are to pursue to increase their coordination and collaboration, as well as jointly improve their response to family/juvenile justice issues.  Revision of the draft Family Violence and Youth Justice Toolkit is ongoing, with implementations in two PICs scheduled for 2014.	collaboration between stakeholder agencies to address relevant issues.			
<b>1.4 Public Information Project</b>							
A portfolio of public information resources developed piloted and disseminated in one PIC available for adaption across the region.	NA	NA	The draft Public Information Toolkit was initially introduced and piloted in Tuvalu (9-27 June). during which, consultations with a wide range of justice sector and community representatives took place. Brochures and public awareness materials are currently	Improved access to public information on legal rights/remedies and court services.	The quality of the toolkit developed including brochures on legal rights/remedies and court services, tools for developing brochures and posters; newspaper and radio notices; community	Toolkit.	TA



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
			being developed.		information presentations; and related training for court staff.  The MSC ensures that this initiative does <b>not</b> duplicate the work of other initiatives (eg RRRRT).  In its approach to implementation, the MSC will explore the possibility of adapting resources developed by other initiatives where appropriate rather than re-inventing the wheel to ensure cost-effectiveness and value for money.		
<b>2.0 Governance</b>							
Greater judicial ownership of professional development across the region.	Improvements in: judicial conduct and leadership; and local management and implementation of judicial development activities in up to four PICs.	No CoJCs exist in the region based on and adapted from internationally recognised principles. No PIC driven or regionally coordinated options exist to enable ongoing judicial development regionally or	Complaints Handling Toolkit has been drafted and is scheduled to be piloted in one PIC in July.	Continued improvements in standards of judicial leadership, integrity, programme management and implementation of local judicial development activities.	Level of improvement in judicial conduct.	Self-assessment by JO and CO user surveys.	NC
			Leadership meetings for the PEC, CJs and NCs are regularly held, providing opportunities for engagement and contribution to the strategic direction of activities in the current extension period.		Four PEC, three CJs and two NC meetings held, perceptions of quality of engagement by key stakeholders.	Meeting reports and feedback.	MSC
			13 PICs have submitted applications for funding under the		All approved Responsive Fund activities achieve their objectives; are	NC reports and MSC confirmation.	NC/ MSC



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
		lead/implement activities locally.	RF. There is an increasing opportunity for PICs to manage their own locally-driven development activities, with 19 activities being approved.		implemented on time and within budget with minimal assistance from the PJDP Team.		
<b>2.1 Codes of Judicial Conduct Project</b>							
Interested PICs develop local statements regarding judicial integrity, appropriate judicial conduct, and strategies to address the growing demand for transparency and accountability; and establish procedures to receive, record, inquire into, and resolve complaints relating to judicial conduct.	Improvements in judicial conduct emerging in 4 PICs attributable to the existence and use of a CoJC	No CoJCs exist in the region that are based on and adapted from internationally recognised principles such as the Bangalore principles of judicial conduct.	A Complaints Handling Toolkit has been drafted and is scheduled to be piloted in one PIC in July.	Up to four PICs have a heightened awareness of judicial integrity, with the judiciary overall demonstrating adherence to appropriate standards of judicial conduct; complaints regarding judicial conduct are logged and dealt with in reasonable time. In-country records identify the number of complaints received, the broad nature of the complaint, time taken between receipt and final resolution, outcome and action taken.	Quality of CoJC and of local participation in their development.	CoJC TA report & PEC/CJ assessment minuted.	CoJC TA / MSC
					Heightened awareness of judicial integrity, and complaints regarding judicial conduct are logged and dealt with in reasonable time.	Self-assessment by JO and CO user surveys.	NC
<b>2.2 Regional Governance and Leadership Meetings</b>							
Stakeholders	80% of key	Low levels of judicial	Leadership meetings were	Adequate	Number of meetings	Reports including	MSC



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
increasingly actively participate in and direct judicial development across the region through ongoing support to networks of Chief Justices and their delegates for dialogue and sharing experience about thematically-focused aspects of judicial development, including programme management.	stakeholders engage with PJDP, consider it relevant to the development needs of their court and that it facilitates sharing solutions to common challenges	leadership of development on national and regional levels.	convened for the PEC and CJs, providing opportunities for engagement and contribution to the strategic direction of activities in the current extension period, and 19 Responsive Fund activities have been approved since July 2013.	opportunities are provided for key stakeholders to lead, engage with, and contribute input and strategic direction to PJDP Projects.	conducted (scheduled: four PEC, three CJ, two NC).  Participants' perceptions of the quality of the workshop and engagement with PJDP and regional counterparts.	participants' evaluations x nine.	
<b>2.3 Responsive Fund</b>							
PICs increasingly manage their own locally-delivered development activities.	90% of Responsive Fund allocated in LoV9 expended, 70% of activities achieve their aims and with less support from the PJDP Team.	No RF activities implemented.	13 PICs have submitted applications for funding. 21 applications were received and 19 approved, indicative of increased capabilities within PICs to apply for and implement priority development activities.	All PICs successfully develop their capabilities to formulate cogent applications to support priority development activities and implement associated activities which achieve their aims.	Number of Responsive Fund applications successfully delivered with minimal assistance from the PJDP Team.  The Responsive Fund managed effectively and efficiently (including financial expenditure) by the MSC.	NC reports / MSC confirmation.  MSC 6-monthly and annual progress reports.	NC / MSC
<b>2.4 National Judicial Development Committee (NJDC) Project</b>							
The capabilities of	One PIC has	NJDCs exist in some	Refinement of the Toolkit has been undertaken following	A PIC can strategically plan and	MSC assistance to	TA reports.	TA



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
one PIC to strategically plan and manage local development are strengthened.	established NJDCs as a local mechanism to plan; assess, prioritise; and direct / lead local judicial development activities.	but not all PICs with varying membership, roles, focus and levels of engagement in local judicial development.	implementation in one PIC (Cook Islands). The refined Toolkit is available on the PJDP website and is scheduled to be disseminated to all PICs for local use.	manage their local development programmes by operating development committees more effectively.	strengthen NJDCs is tailored to local context and needs.  The number NJDCs operating and the quality of their contribution as key mechanisms for locally managed judicial development.		
			A Project Management Toolkit has been developed and will be piloted in 1 PIC over the coming months.				Toolkit and TA report.
<b>3.0 Systems and Processes</b>							
Courts' capabilities to dispose of cases efficiently are improved in up to six PICs, and their ability to regularly report on performance is improved in up to six PICs.	Two PICs are using PJDP facilitated Registry / Court plans developed to undertake reforms. All PICs have: increased capacity to assess court performance; and	Approaches to collecting and using judicial and court administration data for diagnosis (problem identification) and treatment (local development plans)	Further refinements of the Time Standards Toolkit have been completed with implementation in three PICs. Delay Reduction Toolkit has been piloted in one PIC. Launch of an ITOF to facilitate interaction between court IT personnel.	PICs better equipped to collect, use and report on judicial performance data and dispose of cases efficiently.	The level of progress made by up to three PICs implementing their development plans.	TA reports.	TAs



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
	have access to the tools need to enable them to increase transparency and accountability through the development of Annual Court Reports	are inconsistent across the region. There is no judicial and court baseline data utilising a common set of indicators, regional strategy or local development plans in PICs to improve court operations (including registry systems and processes).	Annual reporting toolkit has been implemented in six PICs via the Court Annual Reporting Workshop, and ongoing support has been provided to support publication of those PICs annual reports.  Planned interaction with 14 PICs remotely and at the scheduled NCs Meeting in October 2014 will inform the collection of court performance data for the planned 2014 Trend Report.		The comprehensiveness of court data across multiple indicators being collected and reported on annually and the number of participating PICs.  Promulgation of case disposal time standards and the number of PICs they are promulgated in.		
<b>3.1 Judicial Administration Project</b>							
Courts in up to four PICs begin to report an increase in the percentage of cases disposed of within the promulgated time standards and more efficient court management through the collection of internal court	Two of the three PICs which received support under the 18-month Implementation Plan are using the Registry / Court plans developed to undertake registry / court reforms.	Approaches to using judicial and court administration data for diagnosis (problem identification) and treatment (local development plans) are inconsistent across the region. There is no regional	The Time Standards Toolkit continues to be refined in line with implementation across three PICs. One PIC will be further piloted in 2014.  The second in-country visit for the Delay Reduction Toolkit pilot has been completed (Vanuatu), and assistance given to implement and document changes related to	Courts in up to four PICs introduce time standards for cases and commence reporting on case disposal rates.  Courts in up to three PICs introduce delay reduction practices and procedures.	Time standards as promulgated and the number of PICs reporting on case disposal rates.  Quality, comprehensiveness and	TA report.	TA



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
performance information against selected key performance indicators. Courts in up to two PICs also proactively reducing delay and their IT capabilities to support judicial administration requirements; specifically relating to time standards and delay reduction, is enhanced.		strategy or local development plans in PICs to improve court operations (including registry systems and processes).	the case backlog in the Supreme Court.  The ITOF has been developed, tested and launched with 9 nominations received from PICs. Ongoing monitoring and support will be provided by the PJDP.		feasibility of the practices and procedures as implemented.		
				A regional network of IT administrators established and supported.	Quality and quantity of dialogue between IT administrators in participating PIC.  Feedback from IT administrators as to whether this network mechanism is actually helping PICs to resolve relevant IT issues.		
<b>3.2 Court Annual Reporting (formerly Performance Monitoring &amp; Evaluation) Project</b>							
Up to 6 courts publically reporting on performance on an annual basis across the region.	All PICs have increased capacity to assess court performance and have access to the tools need to enable them to increase transparency and accountability through the development of Annual Court Reports.	There is no PIC judicial and court baseline data utilising a common set of indicators.	Refinement of the piloted Court Reporting Toolkit is underway to include support for implementing, collating and analysing court users' surveys on barriers to accessing, satisfaction with, and confidence in the courts.  The Annual Reporting Toolkit has been implemented in six PICs during the Court Annual Reporting Workshop, and ongoing support has been	Timely, accurate and comprehensive annual court reports published by up to three PICs that include relevant court data as well as court user feedback on barriers to accessing, satisfaction with, and confidence in the courts.	Number of PICs producing an annual report published and the quality of the data contained therein.	TA report & PEC/CJ assessment minuted.	TA/ MSC



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
			provided to those PICs to publish annual reports.  Regional data is scheduled to be collect from PICs later in 2014.	Year two and four court performance trend data reported by PICs.	Quality and breadth of data reported.  Frequency and nature of references to performance data in court administrative and planning documents.	TA report.  NCs / PIC Courts.	TA
<b>4.0 Professional Development</b>							
Every PIC continues to have access to one or more certified trainer(s) able to assess needs, design and deliver training to judicial and court officers within the region to build professional competence. 75% of Judicial and court officers report increased confidence following training workshops.	Every PIC has: access to a certified (national or regional) trainer to assess needs, design and deliver training to judicial and court officers; and judicial officers report 25% increase in competence as a result of attending workshop.	As at July 2010 there are 23 accredited judicial educators in 10 PICs, no Regional Training Team and no PIC-tailored ToT training programme. Judicial officers have not received regional orientation and decision-making training since the cessation of PJDP Phase 1 in June 2008. Data about links between judicial orientation training and performance do not exist across the region.	20 RTT members have received advanced-level training to improve their ability to assess needs, design and deliver training regionally and locally within their own court.  A RTT regional mentoring network has been established to facilitate sharing of resources and training methodologies, as well as to provide additional support to the trainers.  The Decision-Making Training was undertaken in Vanuatu. An additional activity approved under LoV13 – Local Orientation Training was delivered in FSM.	PICs have greater capacity and ability to deliver their own professional development training locally and regionally.	The number of local trainers/RTT members leading training locally without PJDP support/ intervention.  Perceptions of the quality of the local trainer/RTT lead training.	TA reports, trainers'/RTT members reports.  Feedback from workshop participants as included in local trainer/RTT reports provided to the MSC.	TAs  RTT/ local trainers



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
<b>4.1 Regional Training Capacity</b>							
Every PIC continues to have access to one or more certified trainer(s) able to assess needs, design and deliver training to judicial and court officers.	Every PIC has access to a certified trainer able to assess needs, design and deliver training to judicial and court officers.	As at July 2010 there are 23 accredited judicial educators in 10 PICs, no Regional Training Team and no PIC-tailored ToT training programme.	<p>The capacity of 20 RTT members to manage and conduct regional and local training was built at the advanced-level RTT workshop, as well as their confidence and ability to develop curricula and deliver training. Each of the 20 RTTs that attended will deliver training programs within their courts before March 2014 as a one-day training activity to reinforce their ability to assess needs, design and deliver training to judicial and court officers.</p> <p>RTT members have shared training resources and methodologies, and have an ongoing opportunity to sustain this exchange, as well as receive additional support via the regional mentoring network that was established for RTT members.</p>	The RTT is replenished with qualified trainers.	Participants attaining an appropriate level of competence are certified to deliver training regionally/ locally, and perceptions of participants of the quality of the training / programme including RTT co-facilitation of ToT.	ToT TA report including participants' pre/post-workshop evaluations and TAs evaluation of knowledge / skills,	TA/RTT
				Capacity of the RTT to manage and conduct regional and local training is built.	Number of local trainer-led training programmes designed/delivered locally and participants' perception of quality.	RTT reports including participants' evaluations and TA reports,	
				RTT members have an opportunity to share training resources and methodologies.	Frequency of interaction between RTT members to share resources and methodologies.		
				RTT members more confident disposed and able to deliver training locally.	Quality and quantity of interaction between network members.		
				A regional network of RTT members established and supported.			



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
<b>4.2 Core Judicial Development Project</b>							
75% of Judicial and court officers report increased confidence following training workshops, and RTT members are more experienced and able to deliver training regionally and locally.	Judicial officers report 25% increase in competence as a result of attending workshop	Judicial officers in PICs have not received Regional orientation and decision-making training since the cessation of PJDP Phase 1 in June 2008. Data about links between judicial orientation training and performance do not exist across the Region.	<p>The Decision-Making Training was held in Vanuatu with a team of 5 RTT members supporting delivery on customary law, case flow management, Vanuatu's Family Protection Act, self-represented litigants and judicial ethics. A total of 17 lay and 13 law judicial officers participated.</p> <p>Local Orientation Course Toolkit was developed and piloted in FSM with the inclusion of a three day ToT and the support of eight local trainers / facilitators.</p> <p>The draft Local Decision Making Toolkit was developed and is scheduled to be piloted in September.</p>	Enhanced competence of 20-30 newly-appointed lay judicial officers.	Perceptions of the quality of the training. Follow-up to Phase 2/ Extension Phase Orientation Training; participants' self-assessment and TA assessment of whether they perform their functions more competently as a result of the training.	Participants' / TA evaluation	TA
				RTT members more confidently disposed and able to deliver orientation training locally.	Quality of training, toolkit and materials/resources developed for the RTT.		
				Capacity of up to 30 law-trained and lay judicial officers built by participating in two separate decision-making workshops.	Perceptions of the quality of the training including RTT co-facilitation of it.	TA/participants' evaluation.	
				Capacity of RTT members built through experience delivering peer-based support and training in decision-making at regional level.			



24-month EP: Year 4.5 Target (June 2015)	18-mth Plan + 12-mth EP: Year 2.5 Target (June 2013)	Baseline 2010	Progress against baseline June 2014	Output(s) (for 24-mth EP)	Indicator	Verification / Source	Who
				RTT members more confidently disposed and able to provide peer-based support and training in decision-making at the local level.			
<b>5.0 Programme Management</b>							
All PJDP activities are delivered and +90% of funds expended	PJDP provides high quality products and services which are owned by, delivers tangible benefits to PIC courts and which expends 90% of the approved budget.	NA	Based on current projections, a small underspend has been identified. The MSC will progressively reallocate this and any future underspends to appropriate PEC-approved 'additional activities'.  Expenditure projections for the whole contract period indicate that all activities will be delivered with over 90% of funds likely to be expended by June 2015.	Effective management of all aspects of the PJDP, the promotion of collaborative and responsive programming and implementation, and the transparent administration of PJDP resources.	PEC/ regional leadership's perceptions of quality of TA personnel.	PEC assessment minuted.	MSC
					Quality of logistics and progress reporting to enable activities to be implemented on time and within budget.	Progress reports.	MSC
					Quality of incorporation of cross-cutting issues (gender, human rights, sustainability) into appropriate activities.	Strategies to incorporate cross-cutting issues.	MSC
					Comprehensive and accurate, evidence-based reporting (narrative and financial reporting) completed and submitted by MSC to MFAT on time.	TA progress and completion reports. MSC Reports (narrative and financial)	All TAs MSC



## ANNEX TWO - MILESTONE REPORTS AND SUBMISSION DATES

Milestone and Report	Due	Submitted
M37: Annual Progress Report	31/01/2014	29/01/2014
M38: Lay and Law-trained Judicial Officers Decision-Making Regional Workshop Agenda	28/02/2014	14/02/2014
M39: Eighth Quarterly Progress Report	31/03/2014	31/03/2014
M40: Chief Justices' Leadership Workshop Agenda	30/04/2014	29/04/2014
M41: Samoa Family Violence and Youth Justice Workshop Activity Completion Report	30/05/2014	27/05/2014
M42: Fourth Six-Monthly Progress Report	30/06/2014	30/06/2014



## **ANNEX THREE - FINANCIAL SUMMARY AS AT 31 MAY, 2014**

(Submitted to MFAT separately)



ANNEX FOUR - SUMMARY OF ADDITIONAL, UN-COSTED, AND PRO BONO SUPPORT MOBILISED BY THE FCA FOR PJDP (1 JANUARY-30 JUNE 2014)

Ref. No.	Date	Individual Providing Support	Organisation Providing Support	Nature of Support Mobilised	Phase	Comp.	Recipient
71.	10-13 February 2014	Cam Ronald	New Zealand Police and PPDVP	Pro bono support to the <i>Family Violence / Youth Justice Workshop</i> .	24-mth	1.2	Cook Islands
72.	10-13 February 2014	Kevin Kneebone	New Zealand Police and PPDVP	Pro bono support to the <i>Family Violence / Youth Justice Workshop</i> .	24-mth	1.2	Cook Islands
73.	10-13 February 2014	Regional Training Team and / or National Trainers	High Court of the Cook Islands	Co-facilitation at the <i>Family Violence / Youth Justice Workshop</i> : Tangi Taoro and John Kenning	24-mth	1.2	Cook Islands
74.	3-12 February 2014	Justice Michael Barker/Regional Training Team	Federal Court of Australia	Pro bono support to the <i>Lay and Law-trained Judicial and Court Officer Decision Making Training</i> . John Alilee, Stephen Felix, Edwin Amblus, Grace Leban, Leonard Maina.	24-mth	4.2c	Vanuatu
75.	31 March-4 April 2014	Judge Ema Aitken and Dr David Galler	Auckland District Court, New Zealand	Pro bono support to the <i>Drug and Alcohol Court Workshop</i> under the Responsive Fund.	24-mth	2.3	Samoa
76.	3-7 March; 31 March-4 April; 28 April-9 May 2014	-	Manukau District Courts, Auckland, New Zealand	Pro bono support to the <i>Mentoring Activity for Justices of the Peace, Deputy Registrar and Court Officers</i> under the Responsive Fund.	24-mth	2.3	Cook Islands
77.	3 June 2014-30 June 2015	IT Department	Federal Court of Australia	Pro bono support to the <i>Information Technology Online Forum</i> .	24-mth	3.1c	All PICs



## ANNEX FIVE - SELF-ASSESSMENT AGAINST THE QUALITY INDICATORS IN THE CONTRACT

**Outcome:** Effective management of the Programme and MSC contract.

Indicator	Measure	Self-assessment
<p><b>1. Appropriately skilled staff and adequate resources.</b></p>	<ul style="list-style-type: none"> <li>Adequate number of staff with sufficient capacity and capability to carry out the services to meet the standards required</li> </ul>	<ul style="list-style-type: none"> <li>Identified logistical and administration staff have been available to manage the Programme throughout implementation. At times of significant workload, the MSC provides additional backstopping support from internal resources as well as from the PJDP Contract Manger. Following the approval of additional activities under LoVs 12 and 13 additional staff resources have been allocated to the Programme maintaining appropriate levels of resourcing.</li> </ul>
	<ul style="list-style-type: none"> <li>All functions are delivered efficiently and effectively in relation to provision of services and outputs (including reporting/submissions and milestones outlined in this Contract).</li> </ul>	<ul style="list-style-type: none"> <li>Halfway through the 24-month extension period, all milestones and related invoicing have been submitted prior to, or in line with, the reporting schedule agreed with MFAT. Responses to all MFAT queries have been provided expeditiously.</li> </ul>
<p><b>2. Administration system and processes</b></p>	<ul style="list-style-type: none"> <li>Comprehensive administration systems and processes used to meet MFAT's acquittal requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Combined progress and financial reporting processes used by the Programme aim to provide a transparent, accountable and clear reporting and acquittal process. Ongoing liaison with relevant MFAT representatives facilitates effective communication to enable the FCA to meet MFAT's acquittal requirements. Where areas for improvement have been identified (most recently the development of an in-country version of the FCA's Travel Risk Management plan) these areas have been updated as appropriate.</li> </ul>
	<ul style="list-style-type: none"> <li>All systems documented, transparent, records up to date and accurate, accessible.</li> </ul>	<ul style="list-style-type: none"> <li>A comprehensive Programme Procedures Manual has been developed and is being used to administer the Programme. Administrative systems are up to date and accessible for authorised individuals as at the time of reporting. As part of the MSC's endeavours to improve systems and processes on an ongoing basis (note the point immediately above), the Programmes Procedures Manual is also regularly reviewed and updated (as required) to promote consistency and quality in administrative service provision.</li> </ul>
	<ul style="list-style-type: none"> <li>Information facilitates analysis</li> </ul>	<ul style="list-style-type: none"> <li>The systems in place have facilitated the development of clear and concise progress and other</li> </ul>



Indicator	Measure	Self-assessment
	and reporting.	reporting. Feedback received on reporting submissions to date has been positive.
<b>3. Management systems and processes (programme)</b>	<ul style="list-style-type: none"> <li>All systems documented, transparent, records are up to date, accurate, and accessible.</li> </ul>	<ul style="list-style-type: none"> <li>Reporting recruitment, contracting, finance and other management systems are up to date and accessible for viewing and use by authorised individuals.</li> </ul>
	<ul style="list-style-type: none"> <li>Information facilitates analysis and reporting.</li> </ul>	<ul style="list-style-type: none"> <li>The systems in place have facilitated the development of clear and concise progress and other reporting. Feedback received on reporting submissions to date has been positive.</li> </ul>
<b>4. Management system and processes (finance)</b>	<ul style="list-style-type: none"> <li>Comprehensive management systems and processes used to meet Contract requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The Programme's budget is aligned with the FCA's internal finance system, and this allows for more efficient tracking and financial reporting to MFAT. The Programme continues to provide a 'Reconciliation Table' and projected remaining expenditure to the end of the contract period. This information provides a summary of the Programmes' financial position at a given point in time against approved budget allocations/sub-projects and provides a narrative review of disparities from the allocated budget for any line-item. The Programme also provides as part of financial reporting to MFAT: projected expenditure for the remaining contract period; estimated invoice amounts per month for the remaining contract period; and total anticipated expenditure estimates (actual expenditure to-date plus projected remaining expenditure) for the contract period.</li> </ul>
	<ul style="list-style-type: none"> <li>Systems facilitate efficient disbursement of payments.</li> </ul>	<ul style="list-style-type: none"> <li>Close liaison with in-country counterparts (in particular CJs and NCs) as well as the approach of having a PJDP team member providing in-country support to the implementation of regional activities, has proved an effective way of facilitating efficient disbursement of payments for in-country activities. Furthermore, financial management systems are in place to identify potential under-spends in approved activities for subsequently re-allocation to alternate / new activities.</li> </ul>
	<ul style="list-style-type: none"> <li>Provides for efficient and cost-effective use of taxpayers' funds.</li> </ul>	<ul style="list-style-type: none"> <li>The approach adopted by the MSC, promotes cost-efficiency by ensuring the highest quality goods and services are procured at the lowest possible prices. All procurement is made in line with government procurement guidelines, and the FCA as a government entity continues to be able to claim back all Australian GST.</li> </ul>
	<ul style="list-style-type: none"> <li>All reasonable steps must be undertaken by the MSC to ensure PJDP underspends (if any) during the implementation period are utilised promptly to undertake PEC and MFAT approved activities.</li> </ul>	<ul style="list-style-type: none"> <li>The Programme uses financial management protocols that include: the development of detailed expenditure projections, the development of 'Additional Activity' budgets; and 'Additional In-PIC Activity Priorities' which streamline the re-allocation of underspends. The efficacy of these systems is illustrated by both: the finalisation of two LoVs in the most recent reporting period; and the fact that estimated expenditure at the end of the financial year 2013 / 2014 is over the MFAT approved expenditure projections of November 2013 by 4.8% in accordance with MFAT's direction that the MSC should aim to exceed projected expenditure targets if possible.</li> </ul>



Indicator	Measure	Self-assessment
<p><b>5. Monitoring systems and processes</b></p>	<ul style="list-style-type: none"> <li>Comprehensive monitoring system implemented to meet Contract and Programme requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The Programme is MEF in place and approved by the PEC and updated in line with feedback received from the MTA. The MSC has previously conducted an internal review of its management of the PJDP. The Programme also undertakes ongoing monitoring of leadership and training activities with post-activity surveys being conducted and reported on to assess quality of, satisfaction with, and knowledge gained as a result of the services provided by the Programme. The PJDP has also undertaken a comprehensive mid-Programme assessment of all aspects of the Programme at the end of the 18-month implementation period and the 12-month extension period. The outcomes of these assessments are fully reported as part of earlier 6-monthly reports. Furthermore, the PJDP Team undertakes ongoing liaison with counterparts to monitor progress, obtain feedback, and identify whether any further monitoring activities are required.</li> </ul>
	<ul style="list-style-type: none"> <li>Systematic, proactive, risk sensitive, timely, and to agreed specifications.</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring of activities and inputs is undertaken continually from both management and counterpart perspectives to ensure they adhere to agreed parameters in terms of activity design and the MEF. Each activity undertaken has standard monitoring activities incorporated into it. With regards to monitoring participants of PJDP training activities, monitoring activities have included: immediate post training knowledge improvement assessments; participant post-training assessments (at least 3-6 months after the completion of training workshops); court leadership/supervisors questionnaires to identify any changes in work approach, and whether any improvement in performance has occurred subsequent to the PJDP activities.</li> </ul>
<p><b>6. Reporting and Evaluation systems</b></p>	<ul style="list-style-type: none"> <li>Timely, comprehensive, risk identified and management of the information is analytical and evaluative.</li> </ul>	<ul style="list-style-type: none"> <li>Risks are assessed regularly with all mobilised advisers and addressed on an ongoing basis throughout implementation (most recently updated in the 2013 Annual Report). Reporting on identified/emerging risks is undertaken as part of all progress reporting, as well as in selected milestone reports.</li> </ul>
<p><b>7. Recruiting, contracting, deploying and managing procurement of goods &amp; services, including technical assistance</b></p>	<ul style="list-style-type: none"> <li>All goods &amp; services are procured in accordance with NZ Government Procurement Guidelines and other value for money guidance.</li> </ul>	<ul style="list-style-type: none"> <li>Pursuant to agreement with MFAT, the MSC procures goods and services in line with Australian Commonwealth Government Procurement Guidelines. All advisers were identified based on a comprehensive competitive regional / international recruitment process which aligned with the MSCs Commonwealth obligations. All goods and services otherwise required by PJDP have, and will continue to be procured in accordance with the MSCs Commonwealth obligations.</li> </ul>
<p><b>8. Stakeholder engagement</b></p>	<ul style="list-style-type: none"> <li>Appointees to lead roles must show demonstrated experience in</li> </ul>	<ul style="list-style-type: none"> <li>As a prerequisite, all team members interacting with constituents have demonstrably advanced communication, dispute resolution and relationship management skills. A key requirement</li> </ul>



Indicator	Measure	Self-assessment
	<p>having highly developed communication and mediation skills for addressing professional differences, to effectively resolve issues that may arise and maintain relationships with a vast and diverse range of stakeholders in the course of managing a complex, regional programme of this nature.</p>	<p>included in all terms of reference for external advisers and experts contracted by the MSC was high level interpersonal and communication skills, which was confirmed as part of the assessment and selection process.</p> <ul style="list-style-type: none"> <li>• PJDP's leadership ranked their overall satisfaction with the Programme's Governance and Leadership Workshops at over 93.33 %, and 96.97% found that the workshop enabled a very high level of interaction, exchange of experience and leadership building capacity.</li> <li>• See also the PJDP's earlier activities in undertaking a comprehensive mid-Programme assessment (Milestone Eighteen - Second Six Monthly Progress Report), where counterparts assessed the <i>participatory nature</i> of Adviser activity(-ies) undertaken in-country at over 86%.</li> </ul>
<p><b>9. MSC sub-contractor management</b></p>	<ul style="list-style-type: none"> <li>• Effective management of sub-contractors to ensure sufficient capacity and capability to carry out services to the standards required.</li> </ul>	<ul style="list-style-type: none"> <li>• Following the identification and selection preferred candidates for each advertised role, all identified individuals accepted appointment and contract negotiations were successfully completed. To date nine advisers and several judicial officers as resource persons have been mobilised with the PJDP Management Team undertaking ongoing liaison with each while in-country to ensure: proactive management of adviser resources; and the best quality outputs are achieved for each partner court.</li> <li>• In a survey of the Programme's leadership near the end of the 12-month extension period, respondents from all partner courts who had a toolkit piloted in their jurisdiction rated the quality and usefulness of PJDP/advised-supported local training or other activities undertaken in their country at over 89%.</li> <li>• Earlier feedback from counterparts (see also the PJDP's comprehensive mid-Programme assessment [Milestone Eighteen - Second Six Monthly Progress Report], where counterparts assessed the <i>quality of individual Advisers and the outcomes achieved</i> by the adviser at just under 94%), MFAT and the MTA has uniformly been positive on the quality and capacity of the Programme's technical advisers.</li> </ul>



## ANNEX SIX - RISK ANALYSIS AND MANAGEMENT

Additional risks have been identified along with the strategies to manage, respond to and ameliorate them (see table below). The PJDP Team will continue to actively manage risks by consulting with local stakeholders and Advisers to identify and mitigate risks progressively over the course of the 24-month extension phase. This ongoing assessment of risks will be reported on as part of periodic reports.

Risk	Result	How Risk will be Addressed
PICs do not commit sufficient or appropriate resources to lead, manage, facilitate or participate in PJDP activities.	Activity/project outcomes will be undermined / unachievable and it will not be possible to devolve implementation to local actors thereby maintaining external dependence.	The PJDP will provide each Chief Justice and National Coordinator with a detailed outline of what each activity involves including a clear articulation of respective roles and responsibilities. This will include a commitment by those involved to taking some action to progress related developments/reforms following the activity. PJDP will seek explicit agreement from Chief Justices that they can allow judicial and court officers' sufficient time away from their other functions to complete the necessary work within normal working hours.
Accredited educators and members of the RTT cannot access ongoing/refresher training after the cessation of PJDP and/or do not conduct training locally.	Local training capacity/motivation will diminish over time as will the quality and quantity of the training they deliver. This will impact the competence of judicial and court officers and as a result the justice they administer.	The PJDP will seek to promote sustainability in ongoing judicial and court development within the region over the course of the 24-month Extension Period. PJDP plays a key role in facilitating this through greater localisation of support, direct mentoring, network, curriculum development and programme management support to RTT and National Trainers, and the provision of a suite of resources (toolkits) to be used to support ongoing judicial and court development at the local level.
PJDP attempts to address too many problems across too many thematic areas, spreading itself too thinly.	PJDPs ability to deliver meaningful change in any area is reduced.	The 24 Month Extension Plan adopts a tighter focus to address specific problems that will improve the courts' capacity, systems and procedures to deliver services that contribute improvements to the wellbeing of citizens and communities they serve locally and across the region.
Substantial ongoing capacity-building support across the region is required to enable devolution and transfer of programme management responsibilities and functions locally	PICs will remain dependent on external providers to address their development needs, which inherently foster donor dependence and undermine motivation to lead change locally.	The 24 Month Extension Plan focuses more than before in PJEP/PJDPs history on building the capacity and motivation of those who will manage, lead and deliver change locally.



Risk	Result	How Risk will be Addressed
<p>Lack of motivation / capacity by in-country stakeholders to undertake the work required to monitor progress and/or achieve identified PJDP outcomes.</p>	<p>Activities will not improve performance or governance at the local level and PICs will not achieve the outcomes they seek and PJDP will not be able to achieve identified outputs / outcomes</p>	<ol style="list-style-type: none"> <li>1. Consultation throughout implementation to further refine activities (in particular through the Responsive Fund mechanism) to promote relevance of intervention and provide motivation for PICs to engage with the Programme.</li> <li>2. CJs/NCs will be requested to sign letters of exchange defining activity-related responsibilities, acknowledging the local court's ability to mobilise the necessary resources to support or undertake the proposed activity and the commitment of senior leaders to provide necessary motivation to other stakeholders.</li> <li>3. During activities, ownership and accountability for outcomes will be promoted by sharing frameworks amongst leaders to demonstrate how focus areas can be dealt with at a local level.</li> <li>4. Ongoing technical and management support will be provided to stakeholders along with additional funding opportunities (the Responsive Fund mechanism or other donor resources) to support the localisation of regional activities.</li> <li>5. PIC stakeholders, particularly NCs will be guided and supported to monitor, evaluate and report on activities/projects to ensure that this useful data can be collected and analysed by the Programme.</li> </ol>
<p>Executive interference with a PJDP partner court(s) and / or PJDP activities.</p>	<p>This can undermine independence of the judiciary in affected partner courts and / or derail PJDP activities and their outcomes.</p>	<p>Team Leader to note the matter with PEC Chair to encourage dialogue and collegial support between judiciaries / chief justices.</p> <p>If a PJDP activity is impacted upon, the Team Leader in consultation with the relevant Chief Justice will assess the situation and consider what action (if any) is required. If an activity is suspend or terminated in a particular PIC, the Team Leader will determine how the affected activity(-ies) can be implemented with other interested partner courts.</p> <p>If an activity is adversely impacted upon, the MSC will inform MFAT of this situation, the likely impact on the activity(-ies), and any action that has been or will be taken to re-allocate activities to other PICs.</p>